

BRECKLAND COUNCIL

At a Meeting of the

GOVERNANCE AND AUDIT COMMITTEE

**Held on Thursday, 29 September 2022 at 10.00 am in
The Breckland Conference Centre, Anglia Room, Elizabeth House, Walpole Loke,
Dereham, NR19 1EE**

PRESENT

Cllr Bill Borrett (Chairman)	Cllr Harry Clarke
Cllr Robert Kybird (Vice-Chairman)	Cllr Robert Hambidge
	Mr David Fowler, Independent Lay Advisor

Also Present

Cllr Jane James	Cllr Timothy Birt
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In Attendance

Rob Walker	- Deputy Chief Executive & Monitoring Officer
Faye Haywood	- Head of Internal Audit
Ryan Pack	- Innovation and Change Business Partner
Julie Britton	- Democratic Services Officer
Sarah Wolstenholme-Smy	- Legal Services Manager (Deputy Monitoring Officer)

44/22 MINUTES (AGENDA ITEM 1)

Subject to the 'field titles' being clarified on page 15 of the agenda pack, the Minutes of the meeting held on 28 July 2022 were confirmed as a correct record and signed by the Chairman.

45/22 ACTIONS ARISING FROM THE MINUTES (IF ANY) (STANDING ITEM) (AGENDA ITEM 2)

None.

46/22 APOLOGIES (AGENDA ITEM 3)

An apology for absence was received from Councillor Monument.

47/22 URGENT BUSINESS (AGENDA ITEM 4)

Having received an email from Councillor Birt in respect of his concerns raised in regard to the Constitution, the Chairman proposed that although not technically urgent business felt that such matters should be discussed under this item.

Rob Walker, the Monitoring Officer was in attendance, and he asked Councillor Birt to share his concerns with Members.

Councillor Birt said that he had raised a number of points of order at Full Council meetings but basically the issue was in respect of Standing Order numbers 6, 7 & 8, and in particular questions without notice, with some meetings being constrained to those questions to 30 minutes and others

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were not. He had raised a number of points of order, and all had been addressed in various ways but what it was picking up was that there were inconsistencies between those Standing Orders.

The Monitoring Officer said that he had looked back at all the points of order raised, the first was in regard to Standing Order No. 5, the questioning of the Minutes at Full Council meetings. This methodology had been put in place during the pandemic for virtual meetings, but this had since been acknowledged and now all meetings were being held face to face, there was now an opportunity to ask questions under the Minutes as appropriate which had already been reflected at the last Full Council meeting.

Standing Order No. 7 had been another concern raised by Councillor Birt in terms of at what point in the agenda questioning was permitted by Members of the Council, at Full Council meetings. The Monitoring Officer explained that there was a slight difference between Council and other Committees. This Standing Order specifically related to Full Council meetings and only allowed 30 minutes under questions without notice. Within that 30 minutes there was an obligation to ask opposition leaders first in order of size of the opposition parties, after which the process was opened up to any other Member of the Council. The Monitoring Officer believed that this had been consistently implemented and was quite clear in the Constitution.

In response, Councillor Birt said that he was not contesting that this had not been consistently applied, it was more about the wording in the Constitution being inconsistent in respect of those particular Standing Orders and felt that it would be better to review those elements of the Constitution to make it clear.

The Chairman reminded Members that periodic reviews of the Constitution did take place but if it was now being implemented consistently, he felt that a special meeting should not be convened but to wait until the next review.

The second point raised by Councillor Birt was the implementation of the new standards regime.

Sarah Wolstenholme-Smy, the Legal Services Manager advised that Officers had reviewed the Council's current standards regime in particular with regard to the LGA Model Code of Conduct where a number of recommendations had been made. These were being discussed with the Cabinet Member, Councillor Jane James, and a recommendation would be brought to the Governance & Audit Committee in due course. It was intended that if the Code of Conduct was going to be amended or updated it would be changed from May 2023 to provide some consistency in respect of the forthcoming Elections.

The Vice-Chairman, Councillor Kybird asked if such changes would involve a change to the Council's Standing Orders.

Members were informed that the Code of Conduct, although included in the Council's Constitution was a separate document, and therefore no changes to Standing Orders would be required; however, any amendments or changes would be brought to the Governance & Audit

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Committee first before being presented to Full Council for approval.

Councillor Birt referred to the clause in the Nolan Principles in respect of honesty that had significantly changed and felt that the Council's Code of Conduct should be reviewed as the piece of text in terms of honesty was a very out of date and had not been reviewed since 2014.

The Chairman said that this was part of the reason for the review and would be dealt with in due course.

48/22 DECLARATION OF INTERESTS (AGENDA ITEM 5)

None declared.

49/22 NON-MEMBERS WISHING TO ADDRESS THE MEETING (AGENDA ITEM 6)

Councillor Jane James, the Executive Member for Customer & Corporate Services and Councillor Tim Birt were in attendance.

50/22 TRAINING (STANDING ITEM) (AGENDA ITEM 7)

Faye Haywood, the Head of Internal Audit thanked everyone for attending the recent training session and would be happy to arrange another date for those Members who were unable to attend. She hoped that the training provided was useful and provided an insight into the work of the Committee.

The Chairman thanked the Head of Internal Audit. He reminded her of the forthcoming Elections in May 2023 where there could be an influx of new Members and therefore such training would be needed again.

Councillor Clarke felt that it had been a good training session and had been very easy to understand.

51/22 Q2 RISK REPORT (AGENDA ITEM 8)

Councillor James, the Executive Member for Customer & Corporate Services was delighted to introduce the risk report to the Committee.

Currently, there were 12 strategic risks that had been identified by the Council an increase in one since the previous meeting. She then drew Members' attention to the dates of some of these items. Both the Medium-Term Financial Plan and the emerging policy risks had been written at the beginning of the month during a time of national transition and as a result of recent announcements, these risks could change in the near future as more information was released at a national level. The Risk Register was not due to be seen by this Committee until its next meeting in February 2023, and Ryan Pack, the Innovation & Change Business Partner would outline some of the options available to Members for consideration.

The Innovation & Change Business Partner explained that the new strategic risk was in respect of temporary accommodation, that had been discussed under the housing element previously, and was happy to welcome suggestions of how this should be moved forward in terms of

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mitigations. The other slightly new risk was in respect of housing demand, previously, this had been quite narrow but had now been expanded to include cost of living, the long-term impact of Covid. The GDPR was still included, taking into account the decision made at the last meeting in relation to planning and the reason this still remained was due to evidence that needed to be checked. As a result, this would be merged with the Cyber risk due to the crossover between these two areas.

As previously mentioned, the Quarter 3 report was not now due until February 2023, however, the Innovation & Change Business Partner felt that it would make sense to present the Quarter 3 and the Quarter 4 reports together at the same time, but this could be discussed further under Agenda item 11. In terms of this risk register he was happy to take any questions.

The Vice-Chairman referred to the increase in temporary accommodation of which one of the risk factors was the cost and asked to what extent was that offset by Government support.

Rob Walker, the Deputy Chief Executive and Monitoring Officer explained that in simple terms the level of housing rebate returned was higher if the property was in the Council's ownership and less if it wasn't. He reminded Members of the Council agenda that had recently been published which included a report specifically about this topic and was proposing to purchase a number of properties for temporary accommodation, and the benefits that the Council would receive as the owner of these properties would offset the costs of such accommodation.

Councillor Clarke referred to the recent transitions that had been mentioned earlier.

The Deputy Chief Executive & Monitoring Officer explained that at the recent Cabinet meeting there was a report on the latest financial position where the variances against the budget were discussed in detail. Along with other matters, inflationary changes were covered in respect of contracts, and all were being regularly monitored and reported on a quarterly basis and were constantly reviewed.

Mr Fowler, the Council's Lay Advisor referred to page 18 of the agenda pack at paragraph 5.8 where it stated that 'in the opinion of the author there were no health & wellbeing implications', but the first two risks clearly highlighted that there were.

In response, the Innovation & Change Business Partner explained that there were not any health & wellbeing issues as there were not any decisions to make.

Under temporary accommodation, on page 21 of the agenda pack, in respect of potential consequences, Mr Fowler felt that it would be helpful if the term 'large' costs could be quantified.

It was agreed that the figures in terms of the spend would be brought back to the Committee in February 2023.

The Deputy Chief Executive stated that such information could be

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provided as it was monitored on a weekly basis and the aforementioned report to Council would mitigate this.

Attention was drawn to page 24 of the agenda pack, the leisure centre risk, and a question was asked about the timescale.

Members were informed that these had been based on pre-covid levels, but this risk was dependent on visitor numbers in the winter months. It was hoped that by the time the month of April was reached a full year would be included. Another risk in terms of energy usage could also be potentially introduced.

The Chairman asked if the winter levels this year was expected to be different to normal levels.

The Innovation & Change Business Partner did not have the answer to that question but felt that this risk should remain for the time being.

The Deputy Chief Executive & Monitoring Officer stated that interestingly swimming had exceeded pre-covid levels, this had been a nationwide response and the feedback from the contractor was that the 'bounce back' had been better than expected. In terms of winter and income the Direct Debits normally peaked in the month of January.

Mr Fowler mentioned page 26 of the agenda pack, the Local Plan, as he had noticed that it stated in the latest note that there had not been any changes to this risk but referred to the recent Cabinet report and the fact that it was not clear if the Planning Inspectorate would agree to these changes.

Members were informed that the Council was running a second period of consultation following advice from the Planning Inspectorate, and a 2-week delay had been allowed for sign off. In terms of the risk in respect of the planning inspectorate, the advice was very strong and very clear and mitigated the issues raised.

The call for sites was mentioned.

Members were informed that the call for sites process had been extended to December as the Council had not received many submissions, so the time had been extended.

Mr Fowler drew attention to page 31 of the agenda pack under GDPR and the action plan in respect of stop displaying third party comments on the Breckland website in relation to planning applications.

The Innovation & Change Business Partner Ryan explained that this risk update only came about in August and was the reason why it had not been updated – it was still unclear given what was agreed at the last meeting.

The Vice-Chairman referred to the Nutrient Neutrality risk and was of the opinion that if suitable schemes of mitigation had not been agreed the risk would increase unless government legislation changed.

Members were informed that the Council was currently waiting for further

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guidance from Natural England so nothing could move forward as yet.

The Chairman agreed, it was external powers, and the Council could not do anything until further information came through.

Councillor Birt mentioned the issue in respect of the Local Plan Regulation 18. It seemed odd to him that the Council was still progressing in the way that it was as Regulation 18 was calling for ideas on what the Local Plan should include.

Also, the corporate challenge report stated how the Council would fund its aspirations, and it was asked if there was any merit in including a general risk on finance.

The Chairman stated that he was not proposing that Members embarked on any further risks on finance not unless the Committee agreed.

Councillor Birt drew attention to page 25 of the agenda pack, Sustainability Strategy and had noticed that nothing had changed since the last reporting period.

The Chairman asked Councillor Birt if he was proposing that the risk was moved and was it at the right level.

Councillor Birt felt that as time has progressed this risk was increasing.

The Chairman said that Councillor Birt's thoughts would be fed back to the Innovation & Change Business Partner to address accordingly.

Referring to page 27 of the agenda pack, Councillor Birt mentioned the current score against the target score and asked for an explanation in terms breaches to the ICT security risk.

Members were informed that the scoring mechanism would be looked at in further detail and the information would be brought back to the next meeting.

A typo was highlighted on page 25 of the agenda pack - £525 should be £525k.

The report was otherwise noted.

52/22 INTERNAL AUDIT PROGRESS AND FOLLOW UP REPORT - 1 APRIL 2022 TO 16 SEPTEMBER 2022 (AGENDA ITEM 9)

Faye Haywood, the Head of Internal Audit presented the report.

It was highlighted that the report had been created in a different format and any feedback on Members' preference would be gratefully received.

The first half of the report covered progress. In summary 39 days of programmed work had now been completed and Internal Audit was on track to deliver the Plan.

There was one report in respect of GDPR that had been issued as final. This had been given an assurance rating of reasonable and had a total of

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4 important recommendations. A position statement had also been carried out on Asset Management and it had been concluded that with four suggested actions/improvements that could be found at section 4.7 of the report.

The details of the key strategic findings in relation to the reasonable assurance given for GDPR could be found at Appendix 2 of the report - these were highlighted.

The Position Statement in regard to Asset Management was in relation to operational assets not commercial assets, and covered matters such as hostels, street lighting and roads. This was the first time that Internal Audit had looked at this particular area and this had highlighted some outstanding surveys, of which a programme of work needed to be pulled together so that they were up to date. Another key point found was around recording H&S checks on hostels as it was important to have such checks formally recorded.

Councillor Kybird, the Vice-Chairman referred to the LGA data protection training course and pointed out that at the time he was informed under the Council's Member Development area that the data was not available from the LGA, he was therefore unsure how the outcome of this training could be established.

The Head of Internal Audit explained that the recommendation did not stipulate how it should be taken forward but felt that further work needed to be carried out to provide a mechanism on how this should be recorded.

Mr Fowler drew attention to the final column on Appendix 4 of the report of which many stated 'complete pending verification' and asked for the timeframe on these recommendations.

It was noted that this formed part of the follow up report which would be discussed in the next section

Councillor Birt believed that some of the data protection training could have been picked up within the Hut Six training and there had been some feedback provided by Ben Meen, the IT & Digital Manager.

In response Councillor James, the Executive Member for Customer & Corporate Services, believed that at the last count, 33% of Members had completed the Hut Six training, Ben Meen was fully aware of where people were on this and what the training actually covered.

Attention was then drawn to Appendix 3 of the report which highlighted the outstanding audit recommendations that had been agreed but not completed by their original deadline. The explanations to these outstanding recommendations could be found on page 48 onwards of the agenda pack in the right-hand column, including the new revised due dates. Picking up on Mr Fowlers point, there were 4 recommendations mentioned as completed pending verification. The Private Sector Housing report for example had been given limited assurance in July and as yet the Auditors had not had the time to go back and verify the evidence in readiness for this report, but it had been reported that these recommendations had been completed and once verified these would be

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closed down in quarter 3.

The report was otherwise noted.

53/22 ANNUAL REPORT ON STANDARDS ARRANGEMENTS (AGENDA ITEM 10)

Sarah Wolstenholme-Smy, the Legal Services Manager presented the report.

The delegation for the standards regime sat with the Governance & Audit Committee and it had been agreed that an annual update on standards complaints would be provided. This update highlighted the work undertaken on standards matters and complaints received against District, Town & Parish Councillors for the period 1 April 2021 to 31 March 2022.

The current arrangements were proposed and agreed by Members in April 2017, and Bob Davis, had been appointed as the Council's Independent Person in May 2019 until the Annual Council meeting in May 2023.

In terms of the figures, 29 complaints had been received of which 3 had been carried over from previous year so 26 had been received for this year. It was noted that 8 of the complaints did not relate to something that could be considered under the Code of Conduct but related to complaints against the Parish Council or the individual who was being complained about at the time was not acting as a Councillor at the time of the complaint or did not relate to Council business; therefore, the complaint would be rejected and would not be taken forward.

18 complaints had been considered and following a calculation the split between Parish Councillors and District Councillors was approximately 60% for Parish and 40% for District. Of those 18 complaints, all were dealt with in discussion with the Independent Person, and it was found that there had not been any breaches. The percentage rate of the speed that the complaints had been dealt with and completed within 3 months was 73%.

The Vice-Chairman asked if the revised Code of Conduct would have any implication to the complaint's procedure.

Members were informed that the potential difference between the LGA Model Code of Conduct and what the Council currently had was that there would be more flexibility about when a Councillor was working on Council business and therefore could lead to an increase.; however, that particular point might not be taken forward by Full Council, the ultimate decision maker.

Councillor Birt wondered why, when the decision did not merit further consideration, it took such a long time to reach a conclusion, as he had noticed that more than a quarter went beyond 3 months, and he asked what the reason was for the delay.

The Legal Services Manager explained that she did not write the report, but she believed that the 73% figure should be in a different place as that

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related to the overall complaints including those that were not taken forward. Councillor Birt queried the response. For clarity, the Legal Services Manager explained that for those taken forward meant that the Council did not dismiss the complaint at the initial tranche and did not formally investigate them but there was still a process that had to be followed and views still had to be sought from Independent Member. She pointed out that all complaints were acted upon as quickly as possible dependent upon the co-operation of the individuals concerned.

The report was otherwise noted.

54/22 WORK PROGRAMME (AGENDA ITEM 11)

The Chairman asked the Democratic Services Officer to explain the issues in respect of meeting notifications as it had caused some confusion.

Members were informed that the Mod.Gov programme that the Democratic Services Team used to set up meetings, produce agendas and Minutes had recently been updated but a glitch in the system had been found where various automated emails had been sent out to all Members and Officers including cancellation notifications when any changes were made to meetings. A meeting was being held with Mod.Gov to hopefully rectify these issues going forward.

The next meeting of the Governance & Audit Committee was then confirmed and would be held on Thursday, 2 February 2023.

The Chairman explained that due to the availability of some Officers, the 9 February meeting had been brought forward to the 2 February and the 19 January 2023 had been cancelled as it was important that all Officers were able to attend.

Members agreed that they were happy with the proposed arrangements.

The work programme was then considered.

The Head of Internal Audit had noticed that the work programme was quite full in February 2023 in respect of the auditors' reports, ordinarily she would prepare the Strategic and Annual Audit Plans for 2023/24 around the month of March so as a result her planning meetings would have to take place earlier. However, she asked Members if they would be happy to receive just 3 reports instead of 4 or whether the self-assessment could be moved to another meeting.

The Chairman asked the Head of Internal Audit if she had a preference.

The Head of Internal Audit felt that by combining the progress and follow up report should help slightly.

The Chairman then asked the Innovation & Change Business Partner for his preference in respect of the two risk reports although he felt that it would make sense to see the two reports together as the movement between each quarter could then be seen. He suggested that one report should be produced but to include the figures for both quarters.

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The Vice-Chairman, Councillor Kybird asked for clarification of how the quarterly risk reports were reported.

Members were informed that the risk reports were produced within the financial year; and the reporting period for such reports was explained. It was noted that the meeting held in June would include the Quarter 1 report.

Mr Fowler asked if the self-assessment report could be sent out to Members and if this could be delayed.

Members were informed that the above report could be sent to Members via email for completion prior to the February meeting.

Rob Walker, the Deputy Chief Executive & Monitoring Officer noted that if the Quarter 4 risk report was brought to the February meeting for discussion it would be in the middle of quarter 4.

Members were informed that this was the normal procedure to provide Members with a snapshot of where the Council was at within that quarter.

The Chairman agreed with the self-assessment process, to be sent out to Members then a quick consensus could be had at the February meeting.

The above suggestions were agreed, and the work programme would be amended accordingly.

55/22 NEXT MEETING (AGENDA ITEM 12)

The arrangements for the next meeting on Thursday, 2 February 2023 at 10am in the Anglia Room were noted.

The meeting closed at 11.00 am

CHAIRMAN