

Courtenage, Daphne

Sent: 30 November 2023 08:51
Subject: FW: Agenda for Audit and Standards Committee, Tuesday, 14th November, 2023, 6.00 pm
Attachments: Part 5.01 - Councillors Code of Conduct.pdf; scan_kmclellan_2023-11-15-16-12-18.pdf

From: Allen, Dawn <Dawn.Allen@wyre.gov.uk>

Sent: 09 November 2023 11:44

To: 'Paul and Sandi Taylor'

Cc: McLellan, Karen <Karen.McLellan@wyre.gov.uk>; Billington, Joanne <Joanne.Billington@wyre.gov.uk>

Subject: Agenda for Audit and Standards Committee, Tuesday, 14th November, 2023, 6.00 pm

Good morning Paul

Please find the answers to the questions you raised in red text below:

Hi Jo

I'm reading the agenda papers for the next meeting (292 pages!!!). I have a few questions:

In the minutes of the previous meeting, members areas of questioning are listed and followed with *Officers responded to the questions raised by members*. I guess this is usual but it doesn't actually provide the answers, so there's no accountability on record - nobody can refer to the minutes at some point in the future to show that a certain question was raised and the answer was xyz. How does the committee show it is doing its job?

The Democratic Services Officers are guided by Knowles on Local Authority Meetings for guidance and best practice. Knowles defines minutes as:

"Minutes, in the sense commonly understood, are brief notes of the proceedings at a meeting that in particular record the decisions made. There is, however, no statutory definition of minutes and by common law there is no obligation that a permanent or any written record of matters transacted at a meeting should be kept"

Overall minutes can take whatever form is preferred by the individual authority. There is flexibility in minute writing, but the main thing is that the minutes record clearly and concisely all decisions taken at the meeting. Some authorities meticulously minute all questions asked and the replies given, but most authorities do not. Some authorities merely record the question with a note to the effect that the portfolio holder/cabinet member/officers replied without specifying the terms of the answer. As long as, on the whole, we are consistent with the approach, minutes can be written in whichever way the authority sees best.

NFI report:

In light of the resource implications, how do you identify which data matches to review? Value of the match or likelihood of fraud? Are the payroll to creditor and payroll to Companies House matches treated as priority?

On the two yearly national exercise, the NFI provide a risk score on certain reports i.e. High, medium or low, which could be used to direct resources, however, we investigate all of the matches (this includes payroll to creditor and payroll to Companies House) and these are closed down with the relevant outcome. In respect of the annual council tax rising 18's, again these are all investigated (only 14 this year) and closed. For the SPD annual exercise, this provides a high number of matches and therefore, we try and investigate as many as possible. This year, these have been completed in conjunction with the revenues team NEC SPD campaign, where all council tax bands in receipt of SPD receive a letter asking them to confirm their circumstances and eligibility for the discount. Where a discount is removed and this is a NFI match, this is updated and closed with details of any overpayment.

Members' code of conduct complaints:

I can't find a copy of the code anywhere on the council website. Could you point me to the relevant link on the council website?

The Members Code of Conduct can be located at section 5 (Codes and Protocols) of the Council's Constitution which is on the council's website. Please see following link [Part 5.01 - Councillors Code of Conduct.pdf](#) or open the attached document.

In an aside to this, I note that every councillor seems to have redacted information on their register of interest. I'm guessing that this information is their address information. Why are these details redacted? I thought councillors' addresses were a matter of public record. Other councils don't redact this information, including LCC who publish the address details of our councillors! I noted some time ago that councillors' redacted information is a cause of conspiracy theories on a local neighbourhood online app.

The decision to remove member's addresses from the website was taken by our Monitoring Officer (MO), in consultation with the then Chief Executive, back in 2019 (following the high profile murder of Jo Cox, MP). The MO has the ability to withhold publication of home addresses in the register of interest, if the members consider that its publication could put them at risk of harm or harassment. It was agreed that this was the case and the decision has been in place ever since. It is only the home addresses of our councillors listed on their Registration of Interest Form that has been redacted from the public website. Members are only required to register addresses that are in the borough.

s.32 of the Localism Act states:

32 Sensitive interests

(1) Subsections (2) and (3) apply where—

(a) a member or co-opted member of a relevant authority has an interest (whether or not a disclosable pecuniary interest), and

(b) the nature of the interest is such that the member or co-opted member, and the authority's monitoring officer, consider that disclosure of the details of the interest could lead to the member or co-opted member, or a person connected with the member or co-opted member, being subject to violence or intimidation.

(2) If the interest is entered in the authority's register, copies of the register that are made available for inspection, and any published version of the register, must not include details of the interest (but may state that the member or co-opted member has an interest the details of which are withheld under this subsection).

(3) If section 31(2) applies in relation to the interest, that provision is to be read as requiring the member or co-opted member to disclose not the interest but merely the fact that the member or co-opted member has a disclosable pecuniary interest in the matter concerned.

RIPA:

Who investigates benefit fraud and what is the level of fraud identified at the council? This used to be the main reason for me to approve RIPA authorisations. Does the multi-agency fraud group still exist between the local councils and DWP?

On 1 November 2012 significant changes were introduced governing how local authorities were permitted to use RIPA. Since that date approval of local authority authorisations under RIPA must be made by a Justice of the Peace and then they will only authorise cases of direct surveillance where the local authority is investigating particular types of criminal offence which attract a maximum custodial sentence of 6 months or more.

Protection of Freedoms Act 2012 – changes to provisions under the Regulation of Investigatory Powers Act 2000 (RIPA): Home Office guidance to local authorities in England and Wales on the judicial approval process for RIPA and the crime threshold for directed surveillance (publishing.service.gov.uk)

The Single Fraud Investigation Service (SFIS) is part of the Department for Work and Pensions (DWP) fraud investigation service. Since July 2015 they have been responsible for investigating all allegations of benefit fraud across a range of welfare benefits including housing benefit and latterly universal credit. The multi-agency group no longer exists as a result. The DWP publish a report annually on the level of fraud and error in the benefits system nationally which is available here: [Fraud and error in the benefit system Financial Year Ending \(FYE\) 2023 - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

Internal audit progress:

Should I have access to the council's hub/portal, to enable me to read audit reports and other information that is available to committee members? This then links to the data protection policy 15.8, which states members can only store council data on authorised council systems. If I have access to council information that isn't public, I guess I'm unable to download it to my computer if I want to review it or undertake any analysis?

You will receive copies of all audit reports via email as and when we issue an audit report. However, if you would like to have access to the portal you would need to be allocated a Wyre email address. If you would like to arrange this please get in contact so that we can ensure that all the correct ICT policies and protections are covered off first.

I must be misreading the Wyre priority rankings. They appear to be alternative wording for the audit opinion definitions and, as such, are somewhat counterintuitive in that the highest priority level isn't a problem. Are there other definitions for the 5 recommendations priority rankings, highlighting the scale of control weaknesses and urgency of required mitigation?

The priority rankings are rated 1 to 4 with 1 being the highest requiring immediate action. A copy of these is attached.

The inspection regime - site inspections follow up - Why increase the audit opinion to good when the actual controls are not in place, so their effectiveness is unknown?

There were 7 findings in total on the first report and on the follow up which had not been completed, therefore, the opinion was 'Fair' (old opinions used as the original report was published in 2019). On the third follow up, 5 of the 7 actions had been implemented, as per the report and 2 partially implemented, therefore, the opinion was raised from Fair to Good and the 2 partially implemented actions are being monitored through our GRACE risk management system to ensure these are also implemented.

Beach management scheme - Are there any contract completion implications resulting from the recent compound fire?

No – whilst the recent fire resulted in damage of approx £200k, fortunately this mainly affected two of the large diggers used to manoeuvre the rock amour onto the beach, which are owned by the contractor Owendens and the replacement costs will be met by them. Some minor damage was caused to the hoarding surrounding the compound together with damage to a supply of materials, which has already been replaced. All work is continuing as planned.

Financial regs:

Why has the council again opted into the national procurement exercise for external auditors when this has patently failed to deliver an effective external audit service over recent years?

The appetite for participation in an alternative Lancashire based procurement exercise was assessed with Lancashire Chief Finance Officers prior to the PSAA opt in deadline and there was limited interest in this. Owing to capacity and VFM considerations as well as assurances from the PSAA that they had learned lessons from the previous procurement exercise, along with almost all LAs in England, we opted in to the PSAA process.

Is the new procurement bill reflected in the changes? I ask because the Egan report of 1998 is still referenced and the tender threshold has been increased from £10k to £25k, when online commentary about the new bill indicates the £10k threshold is still expected.

Awaiting an update from the Procurement Officer regarding this.

Anti-fraud policy:

Being picky here - *1.1 ...employs approximately 328.78 full time ...* is not approximate!

Noted – will arrange for the word approximately to be replaced with 'an estimated'

Whistleblowing policy:

Picky again. Typo - *4.1 making doscilsoures in the public*

Typo noted, will ask for this to be amended.

That's all for now!

Cheers

Paul

If you have any further queries please don't hesitate to get in contact.

Kind regards

Dawn

Dawn Allen

Audit, Risk and Performance Lead

Room 201

01253 887341

Dawn Allen | Audit, Risk and Performance Lead

Audit & Risk Management

Room 201

01253 887341