

**AUDIT AND STANDARDS COMMITTEE held at COUNCIL CHAMBER -  
COUNCIL OFFICES, LONDON ROAD, SAFFRON WALDEN, CB11 4ER, on  
THURSDAY, 26 SEPTEMBER 2024 at 7.00 pm**

Present: Councillor E Oliver (Chair)  
Councillors S Barker, G Driscoll, M Foley, N Gregory, C Martin  
and R Silcock

Officers in attendance: P Holt (Chief Executive), N Brown (Head of Development  
Management and Enforcement), B Ferguson (Democratic  
Services Manager), C Gibson (Democratic Services Officer),  
P Honeybone (Internal Audit Manager), N Katevu (Head of Legal  
and Monitoring Officer) and G Robinson (Interim Director of  
Finance, Revenues and Benefits)

Independ. Persons: D Pearl and C Wellingbrook-Doswell

Also in Attendance: D Gibbs (KPMG Director).

**AS5 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

Apologies for absence were received from Councillors Armstrong, Asker, Fiddy  
and Loveday, as well as G Butcher and D Paul (Independent Persons).  
Councillor Martin substituted for Councillor Loveday.

Apologies for lateness were received from Councillor Foley.

Councillor Barker declared that, as the KPMG report specifically related to the  
Essex Pension Fund, she was the Chairman of the Essex Pension Fund  
Strategy Board.

**AS6 MINUTES OF THE PREVIOUS MEETING**

The minutes of the previous meeting held on 27 June 2024 were approved as a  
correct record.

**AS7 APPOINTMENTS COMMITTEE - PROVISION FOR ADDITIONAL SUBSTITUTE  
MEMBERS**

The Democratic Services Manager summarised his report regarding the  
provision of additional substitutes for the Appointments Committee only.

RESOLVED that Audit and Standards recommends to full Council that it  
approves the amended procedure rule in regards to the appointment of  
substitutes for the Appointments Committee (Appendix A).

**AS8 MEMBER DEVELOPMENT STRATEGY - TASK AND FINISH GROUP**

The Democratic Services Manager outlined his report, proposing the establishment of a Task and Finish Group in order to produce a Member Development Strategy. He said that he had received the following Group nominations:

- R4U – Councillor Driscoll
- Conservative – Councillor Lemon
- Liberal Democrats – Councillor Silcock.

Members discussed the merits of mandatory training, on-line training, the need to keep training records and the possibility of reporting back to Committee on attendances at training events.

RESOLVED to establish a Task and Finish Group as set out in the scoping report (Appendix A) to produce a Member Development Strategy.

**AS9 LOCAL GOVERNMENT OMBUDSMAN ANNUAL REVIEW REPORT 2023/24**

The Chief Executive summarised the processes in place in respect of complaints and said that it was inevitable that human error occurred on occasions. He reported that during 2023 – 24 the Ombudsman had carried out no investigations.

In response to questions, the Chief Executive said that he would get back to Members as to whether Councillor Coote was the Member Responsible for all complaints. He also agreed to provide further information in respect of the Q4 Environmental Services total complaints figure of 145.

Members noted the contents of the Ombudsman's annual review letter and the position with regards to complaints and compliments for the year ended 31 March 2024.

**AS10 INDEPENDENT REVIEW OF POSTAL VOTING PROCESSES**

The Chief Executive presented his report. He reported on the Independent Review of postal voting processes as carried out by Peter Stanyon, Chief Executive of the Association of Electoral Administrators. He said that 2,688 postal ballots had not been sent out when they should have been due to human error. However, subsequently 77% of the postal ballots had been returned and counted; this compared favourably to the usual figure for returns of around 75%. Mr Stanyon's report had stated that the error had "no effect on the eventual outcome".

The Chief Executive said that the nine recommendations made had all been accepted in full; these would be built into a paper to be brought back to the Committee prior to the next set of elections; these being for the County Council.

He said that, in parallel with this exercise, the Electoral Commission had determined that the error did not require formal assessment; this had brought their formal moderation process to a close.

In response to questions from Members, the Chief Executive confirmed that good relationships were in place with the adjoining Braintree, Harlow and Chelmsford councils. He confirmed that a multi-Council testing exercise was planned in future.

Members noted the report.

## AS11 **COMPLAINT UPHELD BY THE LOCAL GOVERNMENT OMBUDSMAN**

The Head of Development Management and Enforcement summarised the report. He said that the case had drifted as access had not been achieved or the access agreement had been reneged. The Council had agreed to the recommendations made to remedy the injustice caused.

New Local Performance Indicators (LPIs) were being road tested to measure all milestones of an investigation; previously only site visits and acknowledgements had been measured. New LPIs would cover investigations to next step, resolution to Enforcement Notices, Enforcement Notice compliance period to the next step and an Action Plan to clear old cases. He said that new actions included a Significant Cases Tracker; this would focus on significant cases, blockages and ownership milestones, speeding up the handling of retro-planning applications, together with a better narrative explanation of cases.

The Head of Development Management and Enforcement said that in train was a Monitoring/Implementation Group (Developers). This would focus away from minor breaches, non-planning distractions and would assist in better co-operation from external partners.

He said that further Member training would be held on 8 October and Training would be provided for Parishes towards the end of the year.

In response to a Member's question, the Head of Development Management and Enforcement said that in his view this situation had not been down to shortage of staff; he stated that there had clearly been a backlog of cases after Covid and also the size of the district was significant.

Members noted the actions taken by officers in response to the findings of the Local Government and Social Care Ombudsman (LGSCO).

## AS12 **ANNUAL CODE OF CONDUCT COMPLAINTS SUMMARY**

The Head of Legal and Monitoring Officer summarised her report. Of the ten complaints received since October 2023, six had been against district councillors and four against parish councillors. The most common types of allegation had been failing to treat the complainant with respect and abuse of position.

She further outlined the training arrangements in place for councillors on the Code of Conduct and Standards process.

The Chief Executive said he recognised that the role of the Independent Person was a vital part of the process.

In response to questions, the Head of Legal and Monitoring Officer said that in the event of any tribunal hearings being convened, sufficient training would be provided to Members nearer the time.

### RESOLVED:

- that the Committee notes the contents of the report.
- To recommend that any Parish and/or Town Councillors who have been newly elected/ or not undertaken training on the Code of Conduct during the last 12 months, undertakes Code of Conduct training as supplied by the Council/or LGA within 2 months of their election or co-options, whichever is the later date.

*Councillor Foley arrived part-way through this item at 7.30 pm.*

## AS13 **REGULATION OF INVESTIGATORY POWERS ACT ("RIPA") ANNUAL REVIEW**

The Head of Legal and Monitoring Officer outlined her report. She said the policy was not used very often but that it had last been updated in 2021. The updated policy had picked up any new legislation.

In response to a question, officers explained the need to also record non-RIPA authorisations as outlined in paragraph 4.7 of the policy, specifically in relation to works undertaken by the Housing Team.

### RESOLVED:

- that the contents of the report be noted by Committee and
- that the Committee recommend to full Council to adopt the updated RIPA Policy in Appendix B.

## AS14 **EXTERNAL AUDIT UPDATE**

The Chair welcomed Dean Gibbs (KPMG Director) to the meeting.

The Interim Director of Finance, Revenues and Benefits summarised the current situation as stated in his report. He said that the Council had no signed and audited accounts since 2018/19 and that the previous external auditor (BDO) had left after 2022/23, allowing KPMG to undertake the 2023/24 audit. He said that BDO were required to complete the Value for Money work for 2019/20 through 2022/23 and that they were legally required to complete or disclaim the historic Accounts by the backstop date of 13 December 2024. He said that many councils were in a similar position re disclaimers due to the lack of historic assurance.

The current priority was with the 2023/24 accounts, with a backstop date of 28 February 2025. He said that adequate resources were being put in place at UDC to ensure that any issues raised by KPMG were rapidly dealt with. He thanked officers from Housing Benefits (particularly Caroline Saych and Faye Mills) for all their efforts in producing required information for the Housing Benefits Audits 2020/21 through 2022/23.

In response to various questions, officers said that:

- No accounts had been signed off since 2018/19.
- There was likely to be a disclaimer issued for accounts 2019/20 through 2022/23, given the upcoming backstop date of 13 December 2024.
- Temporary resources would be employed to ensure that deadlines were met. A new permanent Director of Finance and a new Head of Finance would be starting work at UDC in January 2025; that net extra post (Head of Finance) would provide some of the extra resources required but the Council would still examine resourcing to see if that was adequate.

Members noted the updates on the various External Audits.

## AS15 **AUDIT PLANNING 2023/24**

Dean Gibbs (KPMG Director) thanked the UDC Finance Team for their input. He outlined the 8 significant risks and other audit risks as stated on page 5 of the External Audit Plan and Strategy for the year ending 31 March 2024. He said that he was prioritising the areas of greatest assurance and looking to move to a “clean position” as soon as possible.

In response to various questions, he said that:

- He was required to provide commentary on the arrangements in place for ensuring achievement of Value for Money at the Council. He would bring this back to the next meeting.
- If a disclaimer to the accounts was put in place, this would require a journey towards giving a “clean” opinion on the accounts; he said that he would be looking for a lot more assurance in the 2024/25 accounts and it was possible that the 2025/26 accounts could be “clean”.

Members noted the Audit Plan and the Chair thanked KPMG for their full engagement.

**AS16 INTERNAL AUDIT 2024/25 UPDATE**

The Internal Audit Manager presented his report on the Internal Audit Update (September). He provided a breakdown on the audit opinions given on the six completed audits to date. One substantial, three moderate and two limited assurances had been given. He said that the recommendation tracking, detailed in paragraph 5, showed 61 outstanding recommendations, of which 32 were overdue. This was an improved position since 31 March 2024. He also said that an External Quality Assessment, referred to in paragraph 6, was underway.

In response to questions from Members, the Internal Audit Manager said that he intended to follow-up, within the next week, the recommendations made in the Key Health and Safety Housing Landlord Duties report.

The Chief Executive provided an update on the improved client side arrangements in place and the waking watch measures implemented. Tenders were currently being evaluated with an intention of a new contractor being in place by 1 April 2025. Members were referred to a recent report on the Scrutiny Committee agenda of 24 September 2024 from the Interim Director of Property Services.

Officers confirmed that the Corporate Risk Register would be considered at the Cabinet meeting in October 2024.

Members noted the content of the report.

**AS17 EXCLUSION OF PUBLIC AND PRESS**

The Chair proposed the exclusion of public and press and to move into Part II. This was seconded by Councillor Barker.

RESOLVED that under section 100I of the Local Government Act 1972 the public be excluded for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in paragraphs 7 of part 1 of Schedule 12A of the Act.

**AS18 MEMBER SAFETY AND SECURITY**

Members discussed the confidential report.

RESOLVED that the Committee notes the report, including the operational decisions taken by officers and already implemented to strengthen security measures.

The meeting then returned to "in public" and was closed.

*Meeting ended 08:35 pm*