

Corporate Governance Committee – 18 September 2017

Present: Councillor Sully (Chairman)
Councillor Govier, Hall, Hunt, Lees, Mrs Lees, Nicholls, Mrs Smith-Roberts,
Mrs Stock-Williams, Mrs Tucker.

Officers: Bruce Lang (Assistant Chief Executive and Monitoring Officer), Richard Doyle (Corporate Strategy and Performance Officer), Alastair Woodland (Assistant Director – South West Audit Partnership) and Andrew Randell (Democratic Services Officer).

Councillors Aldridge and Coles

(The meeting commenced at 6.15 pm)

21. Apologies

Apologies were received by Councillors Adkins, Booth, Cavill, Horsley and Ryan.

Substitutions: Councillor Booth for Lees.
Councillor Horsley for Mrs Lees

22. Minutes

The Minutes of the meetings of the Corporate Scrutiny Committee held on 31 July 2017 were taken as read and were signed.

23. Declaration of Interests

Councillor Govier declared a personal interest as a Somerset County Councillor.
Councillor Hunt declared personal interests as a Member of Somerset County Council, Exmoor National Park Authority Member, Devon & Somerset Fire & Rescue Authority Member and Tacchi Morris Management Committee Member.

24. SWAP Internal Audit – Internal Audit Plan 2017/18 Progress.

Members considered the report previously circulated, concerning the SWAP Internal Audit – Internal Audit Plan 2017/18 Progress.

Considered report previously circulated, concerning the South West Audit Partnership (SWAP) Internal Audit Plan 2017/2018 Progress Report which provided a regular progress and update report in relation to prescribed audit work to date for the financial year and also provided an update in relation to emerging national issues that might impact on the Council.

The 2017/2018 Annual Audit Plan provided an independent and objective assurance on Taunton Deane Borough Council's internal control environment. This work supported the Annual Governance Statement. Details of the progress made since the previous update in December 2017 was submitted.

The report updated Members on the status, progress and completed work in relation to the auditor's planned schedule of work, year ending 31 March 2018. The Auditors had completed risk assessments in the prescribed audit work areas. If any risks came out of the assessment process, the Auditor's would look into those risks and the area in further detail.

During the consideration of this item, the following points were made:-

- The GDPR would still be implemented and legislation would still be honoured and the requirements would be adhered to before Brexit is implemented. This would need to be clarified in legislation after the date of EU compliance.
- The data protection responsibilities meant that there was a responsibility for a data protection officer.
- A review of the Crematorium would take place within the next financial year.
- There had been no breaches in data protection. There was confidence that the controls would be implemented quickly; this would be reviewed and followed up with the new manager.

Resolved that the report be noted.

25. Regulation of Investigatory Powers Act (RIPA) 2000 – Update Following Inspection.

Members considered the letter previously circulated, concerning the Regulation of Investigatory Powers Act (RIPA) 2000 – Update Following Inspection.

Every three years Councils are inspected by the Office of Surveillance Commissioners to review the arrangements that are in place in regard to the authority's management of covert activities under the powers conferred by RIPA.

The Council were last inspected in 2014 and previously such inspections involved a site visit by an appointed inspector followed by a written report. In an attempt to reduce bureaucracy and cause the least possible disruption to local councils who are infrequent users of the powers under RIPA, the option was provided to have the inspection undertaken by way of a desk top assessment of compliance and progress on previous recommendations based on the completion of a questionnaire and examination of relevant documentation.

It was decided to adopt the time saving option; in addition, the Surveillance Commissioners offered to undertake a combined inspection/report for Taunton Deane Borough and West Somerset Councils to save additional work and reflect that the respective policies in this matter were already aligned and the same officers were involved for both authorities. The Assistant Chief Executive, as Senior Responsible Officer for the RIPA processes for both Councils, duly completed questionnaires on behalf of the two authorities and submitted them to the appointed Inspector at the beginning of June, 2017, together with supporting documentation.

A copy of the covering letter subsequently received from the Rt Hon Lord Judge, the Chief Surveillance Commissioner, together with a copy of the Inspector's Report compiled by Mr Alex Drummond, was attached as Appendix A to this report.

The findings of the report were positive, concluding that all recommendations from the previous inspection had been addressed and could be discharged. Most

significantly, there were no formal recommendations made. There were some very minor alterations to wording relating to detail in the policy document that have been agreed to be made with the Inspector's guidance.

Notwithstanding this, it is important not to be complacent and recognise that the requirement for appropriate RIPA training is ongoing and hence this must not be lost sight of to ensure that the Council maintains its state of readiness to be able to properly apply its RIPA powers should they be required at some stage in the future. It is also suggested that some form of annual RIPA progress report is made to members even if it is only to confirm no changes of action has been taken under this act as a matter of information to note.

During the consideration of this item, the following points were made:-

- The definitions of covert and overt surveillance were considered alongside surveillance of social media pages.
- Covert surveillance would need to be authorised and included the involvement of the police.
- It was discussed if surveillance would increase due to the implementation of Universal Credit.
- If the surveillance could be undertaken by over means then covert investigation methods shouldn't be used.
- The council didn't own any CCTV cameras.
- Authorising officers would be trained in areas such as Environmental Health and Planning to grant authorisation of investigatory powers.
- Reassurance was given that data would be held only for the purposes it was intended for. Under the Data sharing protocol, further consent would be required if there was a new reason for the use of investigatory powers.
- This item would be reconsidered in a year.
- The senior responsible officer was congratulated on his commendation from the Office of Surveillance Commissioners.

Resolved that

1) The Corporate Governance Committee noted the positive outcome of the Inspection by the Office of Surveillance Commissioners and that no formal recommendations were made;

2) That the Committee support the ongoing provision of the appropriate training relating to the RIPA process.

26. Corporate Risk Management Update.

Members considered the report previously circulated, concerning the Corporate Risk Management Update.

This report provided an update on the corporate risks which are being managed by the Joint Management Team.

Risk management is a key element of the Council's overarching Governance arrangements.

The Corporate Risk Register is a 'live' document which highlights the key corporate risks facing the Council. The register is a joint one between Taunton Deane and West Somerset Council and formally reviewed by JMT on a quarterly basis as part of the corporate performance review day. The last JMT review took place on 19th May 2017.

These regular reviews ensure that new strategic-level risks can be recognised; continuing risks could be re-assessed in the light of management actions to date; and risks which are no longer considered important removed.

Risk registers exist with divisions, teams, projects and programmes. All these Risk Registers were updated in January 2017.

Risks which are managed at a corporate level were those which had a significant risk to the delivery of a corporate priority or which were cross-cutting risks that didn't naturally sit with a single department or team. These risks have been identified and escalated from other risk registers within the Councils, officer concerns or from external sources.

There were 14 strategic risks identified and approved by JMT (11 joint risks, 1 WSC risk and 2 TDBC specific risks).

Mitigating actions had continued to be delivered in respect of the various risks. These were set out in the risk register and would continue in order to manage down the risks to an acceptable level.

An extract of the corporate risk register was provided in Appendix A.

During the consideration of this item, the following points were made:-

- The addition of a new corporate risk around the addition of GDPR and data protection was being considered.
- Clarification was given that no scored had changed and nothing had been moved.
- It was questioned if E5 issues encountered at the DLO would be added as a risk.
- Retrieving data back from Southwest One was no longer relevant, this had been completed.

Resolved that:- The Corporate Governance Committee noted the current position in relation to the identification and tracking of corporate risks

27. Overdue High Priority SWAP Audit Actions

Members considered the report previously circulated, concerning the Overdue High Priority SWAP Audit Actions.

Considered report previously circulated, the report provided Members with a

position statement on the SWAP audit actions for Taunton Deane Borough Council, which were assessed as high and very high priority, where the agreed remedial action is overdue.

At the start of each financial year an audit plan is agreed between SWAP and the Council which identified the areas of highest potential organisational and operational risk within the Council.

The control and procedural weaknesses were identified within an action plan appended to the report.

During the consideration of this item, the following points were made:-

- Issues experienced with housing rents were considered. A factor causing these issues were high sickness rates amongst housing officers. It would be followed up to ascertain if there was an action plan to resolve this.
- It was questioned if disaster recovery was in line with internet security and threats of cyber-attacks. This would be looked at for an update to be considered.
- The committee requested further information relating to the number of bad debts that were written off.

Resolved that:- the report be noted.

28. Corporate Governance Action Plan Update.

Members considered the report previously circulated, concerning the Corporate Governance Action Plan Update.

This report provided an update of progress against the Annual Governance Statement Action Plan.

The Annual Governance Statement (AGS) is a statutory document which provides assurance on the governance arrangements in place within the Council. The statement is produced following a review of the council's governance arrangements.

The AGS included an action plan to address any new governance issues identified by the Corporate Governance Officers Group; relying on reports from internal and external audit as well as their own understanding of the organisation.

The progress against the action plan set out in appendix A was set out.

During the consideration of this item, the following points were made:-

- A decision was awaited on the new Council, this was due to be implemented in by May 2019.
- There were expectations on the improvement of performance since the appointment of the new Crematorium manager.
- Concerns were expressed in relation to the perceived failings of the commercial areas of the authority.

- The audit actions and implementation dates for these would be reported back to the Corporate Governance committee.

Resolved that:- The report be noted.

29. Corporate Governance Committee Forward Plan

Submitted for information the proposed Forward Plan of the Corporate Governance Committee.

It was requested for an update of the audits in the Crematorium be added to a future committee.

Resolved that the Corporate Governance Committee Forward Plan be noted.

(The meeting ended at 7.15pm).