

SWT Audit and Governance Committee - 22 March 2022

Present: Councillor Lee Baker (Chair)

Councillors Ed Firmin, Simon Coles, Hugh Davies, John Hassall, Janet Lloyd, Sarah Wakefield and Loretta Whetlor

Officers: Paul Fitzgerald, Jessica Kemmish, Kate Lusty, Amy Tregellas and Alison North

Also
Present:

(The meeting commenced at 6.15 pm)

66. Apologies

Apologies were received from Councillors Martin Peters, Dawn Johnson who was substituted by John Hassall, Terry Venner who was substituted by Loretta Whetlor and Stephen Pugsley who instead attended the meeting via Zoom.

67. Declarations of Interest

Members present at the meeting declared the following personal interests in their capacity as a Councillor or Clerk of a County, Town or Parish Council or any other Local Authority:-

Name	Minute No.	Description of Interest	Reason	Action Taken
Cllr L Baker	All Items	Cheddon Fitzpaine & Taunton Charter Trustee	Personal	Spoke and Voted
Cllr S Coles	All Items	SCC & Taunton Charter Trustee	Personal	Spoke and Voted
Cllr H Davies	All Items	SCC	Personal	Spoke and Voted
Cllr J Lloyd	All Items	Wellington & Sampford Arundel	Personal	Spoke and Voted
Cllr L Whetlor	All Items	Watchet	Personal	Spoke and Voted

68. Public Participation

There were no requests for public participation.

69. Audit and Governance Committee Forward Plan

The Committee resolved to note the forward plan.

70.

Health and Safety Management System – Performance framework and Improvement Programme

The Health and Safety Specialist introduced the report:

- The key elements of the report were business as usual performance where significant progress had been made, including each directorate having a risk management action plan in place and each directorate was able to review their risk management performance in their Tier 3 directorate health and safety meetings.
- Tier 2 and Tier 3 levels of health and safety governance boards had been meeting on a monthly basis. Monthly scorecards were provided to each directorate.
- All actions generated from any of the boards were added to a consolidated action plan and tracked.
- For the improvement programme all workstream progress was reviewed at the Tier 2 management level board. Significant progress had been made on the health and safety policy review and on the contractor management policy.
- Had been working with the procurement team on building a contractor database which would include information on health and safety vetting for all contractors the Council engaged with.

During the debate the following points were raised:

- It was asked which software was used for the health and safety database. It was responded that the database was held in SharePoint currently. Moving forward work would be undertaken within the LGR Workstreams to identify a suitable contractor for the system.
- It was asked if clarification could be given regarding different officers' roles in terms of Health and Safety. It was responded that James Barraah was lead Director for Health and Safety. Kate Lusty was responsible for leading the Health and Safety team and reported on Health and Safety to James Barraah.
- It was asked about the directorate risk assessments reviews and the percentage of reviews which had been completed and whether there was a grading system based on the occupations of officers. Officers responded that the figures included in the report were the current breakdown of what had been completed as part of the ongoing risk scoping exercise. Action plans had been pulled together with all managers across the organisation and these had been RAG (Red, Amber, Green) rated to prioritise the order in which reviews were completed.
- It was raised that there were significant number of new starters to the organisation. It was asked whether there was an individual conversation with each new starter of their risks and to what extent day one health and safety training was delivered and how it was checked that this training had been received. It was responded that training was delivered by the Health and Safety team. The team were notified whenever there was a new starter at the organisation. The new starter would then receive a Health and Safety induction or potentially several inductions dependent on their role. The task

manager also completed risk assessments and training requirements were identified.

- It was asked how concerned the committee should be about the number of accidents and how severe those accidents were. Officers responded that there had been eight accidents which needed to be reported under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulation (RIDOR) which included accidents such as fractures. There had been a RIDOR near miss which involved a gas escape event in one of the Council's tenanted properties.
- It was raised that incidents had increased by 71% but accidents had decreased by 43%. Officers responded that accidents had decreased by 43% over the last three years. The additional 71% for incidents was a positive as it meant that more events were being reported. Incidents being reported and investigated reduced the number of accidents which occurred due to corrective action being taken.
- It was asked about Health and Safety training for members. Officers responded that a members' induction refresher pack for training was in development. A risk assessment of activities undertaken by councillors would also be completed.

The Committee resolved to note the recommendations in the report:

2.1 The committee is asked to note and endorse:

A) the H & S Performance Scorecard data, together with the observations/recommendations/conclusive summary (appendix A)

B) the HSMS Improvement Programme progress update (detailed in section 4.7.5 with further summary breakdown in appendix B)

It was asked if there could be a glossary introduced for acronyms included within future similar reports from officers across the organisation. The monitoring officer responded that they would look to implement this.

71. **Local Code of Corporate Governance**

The Monitoring Officer provided an introduction to the report:

- The report was for the year 2022-23 financial year.
- The Council was required to produce the report annually.
- The report contained seven principles which were included within the framework in the report. Changes from last year had been highlighted for ease of reference.

During the debate the following points were raised:

- It was asked what could be done to address behaviour at committee meetings. The Monitoring Officer responded that members needed to remember that meetings were recorded and webcast so comments were visible and accessible to constituents. Comments had been received from the public based on comments made during committee meetings and this had been shared with members. Any incidents which needed to be addressed

would go to the Standards Committee, as would reports on complaints received.

- It was raised that the Ethical Newsletter produced by the Monitoring Officer was good and appreciated.
- It was asked if there would be any additional action which monitoring officers would take in situations where the code was broken during a meeting. The Monitoring Officer responded that it was difficult for officers to intervene in a public meeting, but they had intervened in the past and would continue to intervene during a meeting if inappropriate comments were made. The chairs of meetings were also able to intervene. The legislation currently in place was not very specific and there were few sanctions which could be applied when poor behaviour occurred which limited officers' ability to act.
- It was asked if any complaints had been made about behaviour in a previous Full Council meeting and whether this would go to Standards Committee. The Monitoring Officer responded that no complaints had been received so there was nothing which would be going in front of the Standards Committee. The key role of the Standards Committee was to ensure that councillors were upholding high standards of conduct. There was strand of work on Governance as part of the Local Government Reorganisation work. This included member inductions and the code of conduct. A new recommended code of conduct had been drafted by the Local Government Association and it was planned for all five councils to adopt a code of conduct based on the LGA's recommended code of conduct with some changes to suit the five authorities.
- It was asked if there had been any issues raised through the whistleblowing process. The Monitoring Officer responded that none had been raised by staff or members, but some had been raised by the public.
- Thanks were expressed to the Monitoring Officer and Governance team for their work.
- It was requested that Exmoor National Park was included in the Code of Conduct process if possible. The Monitoring Officer responded that they would contact Exmoor National Park however, it was not written into legislation that adopting the new version of the Code of Corporate governance was mandatory so it would be a choice for authorities, including town and parish councils, to adopt it.
- It was raised that it would be good if all local authorities in Somerset adopted the Local Government Association (LGA) Code of Conduct as it would ensure consistency. The Monitoring officer raised that there were differing Code of Conducts to the LGA's so some authorities may adapt different codes. Government could have chosen to change the legislation which would have mandated all local authorities to adopt the Code of Conduct the LGA had created but they chose not to.

The Committee resolved to approve the recommendation in the report:
That the Committee approves the Local Code of Corporate Governance for 2022/23.

72. **Annual Governance Statement Action Plan Update**

The Monitoring Officer provided an introduction to the report:

- The report was to update members on the progress made on action which came out of the Annual Governance Statement Action Plan last summer.

During the debate the following points were raised:

- It was noted that some of the actions mentioned that work was being undertaken under the Local Government Reorganisation Programme and so would not be undertaken separately outside of the programme so as not to duplicate work.

The committee resolved to note the recommendation in the report:

2.1 That the Committee notes the progress against the Annual Governance Statement Action Plan for 2020/21.

73. **Updated Risk and Opportunity Management Strategy for 2022-2023**

The Monitoring Officer provided an introduction to the report:

- The Risk and Opportunity Management Strategy was updated annually to ensure it reflected and new and emerging risks.
- SWAP, the Council's internal auditors, recommended that the risk on Fraud and Corruption be made clearer in the strategy as part of their baseline fraud assessment last year so this had been done. It was the duty of all employees of the Council to report suspected fraud.
- The economic risks had been impacted by interest rate changes and inflation. Rising inflation had impacted the Council's supply chains. People shortages and not having enough people to fill job roles was also a risk.
- Cyber Security remained a high risk.
- The transition to a unitary council for Somerset was included as a strategic risk. There was limited time for all the necessary work as part of the transition to be done and the Council's resources would need to be maintained.
- Human Resource risk had been included due to potential retention issues as part of the transition to a unitary authority as well as there having been lots of job vacancies nationally with not enough people to fill them.
- For the environmental risk ecology had been incorporated into the risk.
- A risk relating to fraud and corruption had also been added.

During the debate the following points were raised:

- It was raised that potential fraud was quite wide and asked if staff had training on how to identify fraud and a mechanism to report any suspected fraud. The Monitoring Officer responded that several policies in relation to fraud had been brought to the committee and the mechanisms for reporting were included within those. All staff were asked to complete fraud and corruption modules on the e-learning portal and had a deadline in a few months' time to have completed the training by. Discussions were also taking place about

training for staff in particular areas within the Council where they were more likely to encounter fraud.

- It was asked if example phishing emails were used to ensure staff were aware of what to look out for and what to do or provided with more training or not. The Monitoring Officer responded that they were aware that many staff reported suspected phishing emails to IT but that this was possibly an area for further improvement.
- It was asked what the process for monitoring risks was, in particular in relation to the unitary transition. It was responded that key business risks were monitored at a monthly performance board within Somerset West and Taunton Council and reports including key business risks went to Corporate Scrutiny Committee and the Executive Committee. Regarding unitary risks more work need to be done to monitor these risks, but this was something officers were mindful of and working on.
- It was raised that there were two separate local plans for Somerset West and Taunton Council, one for Taunton Deane and one for West Somerset and concerns were raised that there would be numerous separate local plans for the new Somerset Council. The Monitoring Officer responded that Local Plans took around two years to create due to the amount of work involved. Creating a joint Local Plan would be part of the work which would continue beyond Vesting Day.
- It was raised that creating a single Local Plan may take longer than two years. Following the creation of a single Local Plan there could then be a single set of rules for planning applications across the area of Somerset Council. It was responded by the Monitoring Officer that work had already started on this and upon ensuring that terms of reference were in place for the new authority for planning, licensing and other functions.

The Committee resolved to approve the recommendation in the report:

2.1 The Committee approve the updated Risk and Opportunity Management Strategy (Appendix A) for the 2022/23 financial year.

74. **Fraud Update**

The Monitoring Officer provided an introduction to the report:

- The report was an update for members following the SWAP baseline maturity assessment which came before the Committee in September last year. The report provided updates on the actions from SWAP's assessment.

During the debate the following points were raised:

- Concerns were raised regarding fraud occurring when the finance systems of each of the five authorities merged as part of Local Government Reorganisation. The Monitoring Officer responded that this was a risk and one which Internal Auditors would keep a close eye on. The Section 151 Officer added that across the five authorities there were five different finance systems used. Work would be undertaken to move towards a single finance system for the new authority and as part of this work would involve ensuring the

appropriate financial controls were in place to minimise the risk of fraud both through the change in organisations and the change in systems.

The Committee resolved to note the recommendation in the report:
2.1 The Committee note the Fraud Update.

(The Meeting ended at 7.27 pm)