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Thursday, 10 November 2022

To: The Members of the **Audit and Standards Committee**  
(Councillors: Cliff Betton (Chairman), Darryl Ratiram (Vice Chairman), Rodney Bates, Edward Hawkins, Charlotte Morley, Sashi Mylvaganam and Valerie White)

**In accordance with the Substitute Protocol at Part 4 of the Constitution, Members who are unable to attend this meeting should give their apologies and arrange for one of the appointed substitutes, as listed below, to attend. Members should also inform their group leader of the arrangements made.**

Substitutes: Councillors Dan Adams, Richard Brooks, Paul Deach, Liz Noble, Morgan Rise and Victoria Wheeler

Dear Councillor,

A meeting of the **Audit and Standards Committee** will be held at Council Chamber, Surrey Heath House, Knoll Road, Camberley, GU15 3HD on **Monday, 21 November 2022 at 7.00 pm**. The agenda will be set out as below.

Please note that this meeting will be recorded.

Yours sincerely

Damian Roberts

Chief Executive

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## AGENDA

	<b>Pages</b>
<b>1 Apologies for Absence</b>	
<b>2 Minutes</b>	<b>3 - 6</b>
To confirm and sign the non-exempt minutes of the meeting held on Monday 25 <sup>th</sup> July.	
<b>3 Declarations of Interest</b>	
Members are invited to declare any disclosable pecuniary interests and non pecuniary interests they may have with respect to matters which are to be considered at this meeting. Members who consider they may have	

an interest are invited to consult the Monitoring Officer or the Democratic Services Manager prior to the meeting.

**4 Statement of Accounts**

To receive an update on the Statement of Accounts.

**5 Monitoring Officer's Annual Report**

**7 - 22**

To receive the Monitoring Officer's Annual Report.

**6 Internal Audit Recommendations Report**

**23 - 32**

To receive a report on the status of the Internal Audit recommendations.

**7 Date of Next Meeting**

The next scheduled meeting of the Audit and Standards Committee will take place on Monday 17<sup>th</sup> April 2023 at 7pm.

**Minutes of a Meeting of the Audit and Standards Committee held at Council Chamber, Surrey Heath House, Knoll Road, Camberley, GU15 3HD on 25 July 2022**

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+ Cllr Cliff Betton (Chairman)  
+ Cllr Darryl Ratiram (Vice Chairman)

+ Cllr Rodney Bates  
+ Cllr Edward Hawkins  
Cllr Charlotte Morley

- Cllr Sashi Mylvaganam  
+ Cllr Liz Noble  
+ Cllr Valerie White

+ Present  
- Apologies for absence presented

Substitutes: Cllr Liz Noble for Cllr Sashi Mylvaganam

Officers Present: Alex Middleton, Senior Auditor  
Gavin Ramtohal, Head of Democratic & Legal Services  
Bob Watson, Strategic Director: Finance & Customer Services

**1/AS Minutes of Previous Meeting**

**RESOLVED** that the minutes of the meeting of the Audit and Standards Committee held on the 25<sup>th</sup> April 2022 be approved as a correct record and signed by the Chairman.

**2/AS Declarations of Interest**

There were no declarations of interest.

**3/AS Annual Governance Statement**

The Committee considered a report setting out the draft Annual Corporate Governance Statement for the 2021/22 financial year.

There was a statutory requirement for the Council to produce an Annual Corporate Governance statement that reviewed the effectiveness of the Council's control systems and provided high level assurance on governance matters and issues within the Council. The Statement formed part of the final accounts for each financial year and set out the governance arrangements in place at the Council, highlighted any key issues identified during the year and summarised progress made towards addressing any previously identified issues; senior officers had also been asked to provide management assurance statements where key issues had been identified.

It was reported that the Council's Monitoring Officer and Section 151 Officer considered the Council's governance arrangements to be adequate and effective. Whilst no significant governance issues had been identified a number of minor issues that might impact on the Council's ability to operate effectively had been identified including a lack of knowledge and resilience around leisure leases, actions identified at committee meetings not always being followed through and difficulties being experienced by the Family Support Team when trying to engage with partners. Assurance was sought on what was being done to address these areas of concern and it was agreed that this would be followed up outside the meeting.

Concerns about the duplicate payments being made were acknowledged. It was clarified that the total amount that had been double paid was approximately £5,000 spread across a number of transactions and the majority of the double payments had been recovered from suppliers. A new software system had been implemented to ensure that invoices were only paid once and this was receiving positive feedback from staff.

It was agreed that concerns would be raised with individual teams and

**RESOLVED** that, subject to the inclusion of assurances in relation to the matters identified above, the Annual Governance Statement be submitted to the Leader and Chief Executive for their signatures.

#### **4/AS Effectiveness of Internal Audit**

The Committee considered a report setting out the findings of a review of the effectiveness of the Council's Internal Audit function. The Accounts and Audit Regulations 2006 required all local authorities to annually carry out a review of the effectiveness of its systems of internal control. The review measured the audit function against nine elements: organisational independence, a formal mandate, unrestricted access, sufficient funding, competent leadership, objective staff, competent staff, stakeholder support, and professional audit standards.

The Committee was informed that whilst the scope of planned audits of climate change and cyber security had not yet been planned in any detail it was expected that officers would have the requisite knowledge to complete the initial audit of high level policies and known risks. Where a need for more specialised knowledge was identified then this would be progressed with the Section 151 Officer and the appropriate Head of Service.

It was confirmed that officers were supportive of the internal audit process however it was acknowledged that the timing of audit work was crucial to ensure that services were able to fully focus on the information being requested.

The Committee noted the report.

#### **5/AS Internal Audit Annual Report**

The Committee received a report summarising the work of the Council's Internal Audit Team during the 2021/22 financial year.

Over the course of 2021/22, 16 scheduled audits had been completed including financial audits of creditors, debtors, treasury, revenues and benefits as well as audits of parking, fraud, information governance, emergency planning and a review of the Community Services partnership. A number of ad-hoc audits had also been completed including reviews of the Council's Financial Regulations and Standing Order and purchasing and credit card purchases. A total of 79 audit recommendations had been made during the course of the year; of which 17 had been deemed essential, 61 desirable and 1 was a best practice recommendation. The majority of recommendations made during 2021/22 had now been implemented.

Exit meetings were held with service heads to discuss the outcomes of audits and target dates for the implementation of any recommendations were agreed. These target dates were monitored, outstanding or overdue recommendations were followed up with service managers and any issues were raised with the appropriate Head of Service and the

Corporate Management Team. It was noted that where recommendations were not being completed within the agreed timeframes subsequent enquiries had found that in most cases whilst the actions had been completed the Audit Team had not been informed of their completion. It was also acknowledged that some recommendations could be particularly resource intensive to implement and this could impact on the timeframes.

The Committee requested that they be kept informed of any outstanding recommendations arising and the reasons for their delay.

The Committee noted the report.

## **6/AS External Audit Update**

The Committee received an update on the progress being made by BDO, the Council's External Auditors, to complete their audit of the Council's accounts for the 2019/20 financial year.

The Committee was informed that the auditors had spent the majority of May, June and July working on NHS audits to ensure that nationally set Government deadlines were met. Consequently there had been limited opportunities for BDO to review the Council's revised accounts since their submission to BDO at the end of April. Notwithstanding this, officers had been in regular contact with BDO to seek assurances that the accounts would be reviewed as soon as possible after the completion of the NHS audits. At the current time, it was expected that the audit report would be ready in time for the Committee's meeting in September.

It was acknowledged that these delays would have implications for the audits of the 2020/21 and 2021/22 accounts and consequently to minimise disruption and expedite subsequent audit work, officers were preparing both sets of accounts for audit using the balances from the unaudited 2019/20 accounts as a baseline.

The Committee reiterated the frustrations that it had previously expressed in relation to this situation. The Committee was reminded that the Council was not in a unique position and nationally there were currently 57 local authorities waiting for the outcomes of the audits of their 2019/20 accounts and 212 local authorities were awaiting the outcomes of the audits of their 2020/21 accounts and to date only 4% of 2021/22 accounts had been submitted by the deadline.

The suggestion that the Council seek new auditors was acknowledged however it was stressed that the number of firms with the knowledge and experience of completing public sector audits was limited and there was a shortage of auditors nationally. Furthermore, the situation had recently been exacerbated by Government changes which had made auditors personally liable if there were errors in an audit, a situation which had resulted in a significant number of experienced auditors leaving the profession.

Local authorities had been intensively lobbying both representative bodies and the Government directly, through the Treasury and the Department of Levelling Up, Housing and Communities, with their concerns not only with the capacity of the audit industry but also the impact that recent changes to the way that local government audits were to be carried out were having on the process. These concerns were now being examined by a Government Select Committee however the situation was not expected to change imminently.

The Committee expressed concern that they had not been provided with progress updates following an agreement to provide these on a monthly basis at the Committee's

last meeting. Whilst it was acknowledged that no progress had been made in the interim, it was stressed that regular monthly updates of officer's communications with BDO and the status of the Audit should be provided to the committee, even if it was to report that no progress had been made.

The Committee requested that a full breakdown setting out when and where delays had occurred during the audit process be provided alongside the completed audit report. It was agreed that a briefing would be provided for members of the Committee to take them through the audited accounts and the audit report in detail before it was brought to the Committee proper.

The Committee was reminded that the Council would not be subject to any form of penalty, beyond reputational damage, as a consequence of the lateness of the audit and there would be no impact on the Council's ability to raise funds either.

The Committee noted the update.

### **7/AS Date of Next Meeting**

It was noted that the next scheduled meeting of the Audit and Standards Committee would take place on Monday 19<sup>th</sup> September 2022 at 7pm.

Chairman



Department for Levelling Up,  
Housing & Communities

**Kemi Badenoch MP**

*Minister of State for Equalities and Levelling Up  
Communities*

**Department for Levelling up, Housing and  
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Dear Lord Evans,

On behalf of the Government, I would like to thank the Committee on Standards in Public Life for its report and the recommendations arising from its review of Local Government Ethical Standards, and to all those who engaged with the Committee's work. Attached is the Government response to the Committee's individual recommendations that were directed at Government.

Vibrant local democracies flourish where the reputation of the local authority is held in high regard, where councillors' decision-making is transparent, valued and trusted by the communities they serve, and where people are willing and confident to put themselves forward as potential candidates. The standards and conduct framework within which local authorities operate must drive out corruption and promote commitment to the principles on standards in public life, and tolerance to the differing views of others. In responding to the review, the Government has taken into account the importance of protecting free speech and freedom of association within the law.

The Government is committed to working with local authorities and their representative organisations to ensure that local government is supported in reinforcing its reputation for ethical local standards.

The fact that this review had been conducted in such a collaborative way with the sector has been apparent from the outset and is borne out in the final report. I am keen that Government builds on the sector-wide enthusiasm for improvement.

The Government agrees with the Committee's conclusion that there have been benefits from local authorities being responsible for ethical standards, including the flexibility and

discretion to resolve standards issues informally. However, we also recognise the role of Government in ensuring that the system is robust.

The number of requests for legislation in the Committee's recommendations to strengthen the standards and conduct framework and its safeguards is considerable. As indicated in this response, the Government believes that some of these suggestions do not need a legislative response but can be more appropriately, effectively, and swiftly taken forward by local authorities as best practice. The Committee will recognise that the Government and Parliament has taken a different view on these matters when it legislated for the Localism Act 2011.

I thank the Committee for their work on the review and for their patience whilst Government carefully considered their recommendations, and I personally look forward to continuing to work with you as Government progresses the commitments made in this response with the sector.

Yours sincerely,

A handwritten signature in black ink that reads "Kemi Badenoch". The signature is written in a cursive, flowing style.

**KEMI BADENOCH MP**

**Minister of State for Equalities  
and Levelling Up Communities**



# Government response to the Committee on Standards in Public Life review of local government ethical standards

This Government response confines itself to the Committee's recommendations directed at Government, other than with regards to the first recommendation. The response to recommendations 10, 12, 13, 14 and 16 have been grouped together and therefore appear out of numerical order below.

## **Recommendation 1**

**The Local Government Association should create an updated model code of conduct, in consultation with representative bodies of councillors and officers of all tiers of local government.**

The Localism Act 2011 states that relevant authorities must promote and maintain high standards of conduct by members and co-opted members. It requires these authorities to adopt a code of conduct for their councillors.<sup>1</sup> Authorities can determine the content of their own code of conduct. However, codes must conform to the seven 'Nolan' principles of standards in public life: selflessness, integrity, objectivity, accountability, openness, honesty, and leadership. Relevant authorities for the purposes of these requirements include local authorities in England, namely county councils, district councils, London borough councils and parish and town councils.

It is for individual councils to set their own local code, in line with the Act. The Government has previously published a light-touch illustrative code of conduct.

The Local Government Association has worked with sector representative bodies to update its own suggested code of conduct, with the intention that this new suggested code could establish a consistent benchmark that local authorities can amend or add to as they see fit to reflect local circumstances and priorities. The Local Government Association published the updated code of conduct in January 2021. However, it remains a local decision on whether this model code is adopted.

## **Recommendation 2**

**The government should ensure that candidates standing for or accepting public offices are not required publicly to disclose their home address. The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 should be amended to clarify that a councillor does not need to register their home address on an authority's register of interests.**

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<sup>1</sup> References to councillors in this document also should be deemed to include elected mayors.

This issue was brought up in the Committee's work on intimidation in public life, and the Government has already taken forward several steps in this regard. The Government is open and receptive to further steps to help prevent intimidation.

The Government agrees with the principle behind this recommendation – which safeguards elected representatives - and considers amending the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 would be an option to achieve it.

The Government will engage with interested parties on the best means to ensure that candidates and councillors are not required publicly to disclose their home address.

Notwithstanding, it is important that home addresses are internally registered with monitoring officers, to help avoid conflicts of interest.

### **Recommendation 3**

**Councillors should be presumed to be acting in an official capacity in their public conduct, including statements on publicly accessible social media. Section 27(2) of the Localism Act 2011 should be amended to permit local authorities to presume so when deciding upon code of conduct breaches.**

The Government's view is that it is for individual local authorities to consider if their code of conduct is adequate in addressing the issue of inappropriate use of social media.

As the Government outlined to Parliament in March 2021 on tackling intimidation in public life: 'It is important to distinguish between strongly felt political debate on the one hand, and unacceptable acts of abuse, intimidation and violence on the other. British democracy has always been robust and oppositional. Free speech within the law can sometimes involve the expression of political views that some may find offensive': a point that the Government has recognised in a Department for Education policy paper<sup>2</sup>. But a line is crossed when disagreement mutates into intimidation, which refuses to tolerate other opinions and seeks to deprive others from exercising their free speech and freedom of association.'

It is important to recognise that there is a boundary between an elected representative's public life and their private or personal life. Automatically presuming (irrespective of the context and circumstances) that any comment is in an official capacity risks conflating the two.

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<sup>2</sup> Higher education: free speech and academic freedom Feb 2021  
<https://www.gov.uk/government/publications/higher-education-free-speech-and-academic-freedom>

#### **Recommendation 4**

**Section 27(2) of the Localism Act 2011 should be amended to state that a local authority’s code of conduct applies to a member when they claim to act, or give the impression they are acting, in their capacity as a member or as a representative of the local authority.**

The Government agrees that local authority elected representatives should act in good faith in the public interest and not seek to influence decisions for personal gain, for malicious intent or to further the interests of any business or any other organisations which they may be affiliated with.

The Local Government Association have updated their [own suggested code of conduct](#) to state that the code applies when “[a member’s] actions could give the impression to a reasonable member of the public with knowledge of all the facts that [they] are acting as a [member]”.

It is for individual local authorities to ensure that their codes of conducts are regularly updated, comprehensive and fit for purpose. Elected members receive the necessary training to make them aware of their personal responsibilities in upholding the code.

The Government will keep this matter under review but has no immediate plans to amend the regulations.

#### **Recommendation 5**

**The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 should be amended to include: unpaid directorships; trusteeships; management roles in a charity or a body of a public nature; and membership of any organisations that seek to influence opinion or public policy.**

The electorate must have confidence that the decisions of their elected representatives are being made in the best interests of the community they have been elected to serve. Unpaid roles may need to be declared if it is relevant to council business, and councillors should recuse themselves if necessary if discussions relate to private bodies, they are involved in.

The Government is mindful that councillors have a right to a private life, and rights of freedom of association outside their role as a councillor. It is frequently the case that people in public life have a complex pattern of interests and play a variety of roles with different types of organisations, including community interest groups and charities.

The Government will keep this matter under review but has no immediate plans to amend the regulations.

## **Recommendation 6**

**Local authorities should be required to establish a register of gifts and hospitality, with councillors required to record gifts and hospitality received over a value of £50 or totalling £100 over a year from a single source. This requirement should be included in an updated model code of conduct.**

The Local Government Association's suggested code of conduct published in January 2021 includes a requirement for members to "register... any gift or hospitality with an estimated value of at least £50". However, it did not contain any requirements relating to the total value of gifts or hospitality received from the same source over a sustained period.

Local authorities have the autonomy to set gifts and hospitality requirements in their own codes of conduct. The Government accepts that there is merit in best practice guidance on the thresholds for gifts and hospitality and agrees that a register of gifts and hospitality should be publicly available.

## **Recommendation 7**

**Section 31 of the Localism Act 2011 should be repealed, and replaced with a requirement that councils include in their code of conduct that a councillor must not participate in a discussion or vote in a matter to be considered at a meeting if they have any interest, whether registered or not, "if a member of the public, with knowledge of the relevant facts, would reasonably regard the interest as so significant that it is likely to prejudice your consideration or decision-making in relation to the matter".**

Section 31 of the Localism Act 2011 requires that a councillor must not participate in a discussion or vote on a matter where they have a disclosable pecuniary interest in any matter to be considered at the meeting. Section 30(3) of the Localism Act 2011 further provides that any relevant pecuniary interests of a councillor's spouse or partner are considered as a disclosable pecuniary interest of the councillor.

The Committee's report reflects concerns that the disclosable pecuniary interest arrangements infringe on the privacy of a councillor's spouse or partner. Where there would be a potential conflict of interest, the principle of integrity requires that any such interests should nevertheless be declared and resolved.

The Government will keep this matter under review but has no immediate plans to repeal Section 31 of the Localism Act 2011.

## **Recommendation 8**

**The Localism Act 2011 should be amended to require that Independent Persons are appointed for a fixed term of two years, renewable once.**

The Government does not accept this recommendation as appropriate for legislation on the basis that it would be likely to be unworkable. The Government's view is that it would be more appropriately implemented as a best practice recommendation for local authorities.

In principle, it may be attractive to limit the terms Independent Persons serve to keep their role and contribution "fresh" and avoid them becoming too closely affiliated with the overriding organisational culture. However, discussions with Monitoring Officers indicate that in practice most local authorities would likely find servicing this rate of turnover unachievable. There is frequently a small pool of people capable and willing to undertake the role, who also fit the stringent specifications of being amongst the electorate, having no political affiliation, no current or previous association with the council, and no friends or family members associated with the council.

When local authorities have found effective Independent Persons who demonstrate the capability, judgement and integrity required for this quite demanding yet unpaid role, it is understandable that they may be reluctant to place limitations on the appointment.

## **Recommendation 9**

**The Local Government Transparency Code should be updated to provide that the view of the Independent Person in relation to a decision on which they are consulted should be formally recorded in any decision notice or minutes.**

The Government does not agree with this. The Local Government Transparency Code is a statutory requirement to publish information; it does not regulate the content of councils' minutes or decision notices.

The substantive policy suggestion has merit but will depend on circumstances. In cases where there is no case to answer from an unfounded complaint, it should not necessarily be a legal requirement to publish details of that unfounded complaint.

## **Recommendation 10**

**A local authority should only be able to suspend a councillor where the authority's Independent Person agrees both with the finding or a breach and that suspending the councillor would be a proportionate sanction.**

## **Recommendation 12**

**Local authorities should be given the discretionary power to establish a decision-making standards committee with voting independent members and voting members from dependent parishes, to decide on allegations and impose sanctions.**

## **Recommendation 13**

**Councillors should be given the right to appeal to the Local Government Ombudsman if their local authority imposes a period of suspension for breaching the code of conduct.**

## **Recommendation 14**

**The Local Government Ombudsman should be given the power to investigate and decide upon an allegation of a code of conduct breach by a councillor, and the appropriate sanction, an appeal by a councillor who has had a suspension imposed. The Ombudsman's decision should be binding on the local authority.**

## **Recommendation 16**

**Local authorities should be given the power to suspend councillors, without allowances, for up to six months.**

There is no provision in current legislation for a sanction to suspend a councillor found to have breached the code of conduct, and this was a deliberate policy decision by the Coalition Government at the time of the Localism Act 2011 to differentiate from the previous, failed Standards Board regime. The Standards Board regime allowed politically motivated and vexatious complaints and had a chilling effect on free speech within local government. These proposals would effectively reinstate that flawed regime.

It would be undesirable to have a government quango to police the free speech of councillors; it would be equally undesirable to have a council body (appointed by councillors, and/or made up of councillors) sitting in judgment on the political comments of fellow councillors.

On the rare occasions where notable breaches of the code of conduct have occurred, local authorities are not without sanctions under the current regime. Councillors can be barred from Cabinet, Committees, or representative roles, and may be publicly criticised. If the elected member is a member of a political group, they would also expect to be subject to party discipline, including being removed from that group or their party. Political parties are unlikely to reselect councillors who have brought their group or party into disrepute. All councillors are ultimately held to account via the ballot box.

As part of the Government's response to the Committee's report on intimidation in public life, the Government recommended that every political party establish their own code of conduct for party members, including elected representatives.

The Government will engage with sector representative bodies of councillors and officers of all tiers of local government to seek views on options to strengthen sanctions to address breaches of the code which fall below the bar of criminal activity and related sanctions but involve serious incidents of bullying and harassment or disruptive behaviour.

### **Recommendation 11**

**Local authorities should provide legal indemnity to Independent Persons if their views or advice are disclosed. The government should require this through secondary legislation if needed.**

The Government agrees in principle.

Initial soundings with the sector indicate that some local authorities already provide legal indemnity for Independent Persons.

The Government endorses providing legal indemnity for Independent Person as local authority best practice but does not currently see the need to require this through secondary legislation.

### **Recommendation 15**

**The Local Government Transparency Code should be updated to require councils to publish annually: the number of code of conduct complaints they receive; what the complaints broadly relate to (e.g., bullying; conflict of interest); the outcome of those complaints, including if they are rejected as trivial or vexatious; and any sanctions applied.**

The Government believes that this is better addressed through the sector adopting as best practice a regular pattern of annual reporting by Standard Committees of the cases and complaints handled and would encourage this as best practice by the sector.

The Government does not believe that there is a requirement to prescribe to local authorities the form and content of such Standard Committee annual reports.

### **Recommendation 17**

**The government should clarify if councils may lawfully bar councillors from council premises or withdraw facilities as sanctions. These powers should be put beyond doubt in legislation if necessary.**

The criminal law, overseen by the police and courts, provides for more appropriate and effective action against breaches of public order, for anti-social behaviour, and against harassment.

The occasion where councils would seek to bar councillors from council premises are thought to be extremely rare. We will consider this further.

### **Recommendation 18**

#### **The criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished.**

It is a criminal offence to fail to declare pecuniary interests, which acts as a strong deterrent against corruption.

The Government does not agree with this recommendation, but rather believes the criminal offence of a non-disclosure of pecuniary interest to be a necessary and proportionate safeguard and deterrent against corruption.

The high bar of police involvement has served to discourage politically motivated and unfounded complaints.

### **Recommendation 20**

#### **Section 27(3) of the Localism Act 2011 should be amended to state that parish councils must adopt the code of conduct of their principal authority, with the necessary amendments, or the new model code.**

The Government does not agree that this is necessary and has no plans to repeal Section 27(3) of the Localism Act 2011.

The Government considers that the adoption of the principal authority's code or the new model code is a matter for local determination.

There are merits in achieving consistency within principal authority areas to eliminate potential confusion amongst constituents and elected members but there may be instances where a parish council may want to add to the code of their principal authority to reflect local circumstances.



## **Recommendation 21**

**Section 28 (11) of the Localism Act 2011 should be amended to state that any sanction imposed on a parish councillor following the finding of a breach is to be determined by the relevant principal authority.**

The Government has no current plans to repeal Section 28 (11) of the Localism Act 2011 but will give this matter further consideration.

## **Recommendation 22**

**The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 should be amended to provide that disciplinary protections for statutory officers extend to all disciplinary action, not just dismissal.**

The three statutory officers in local government are the Monitoring Officer, the Head of Paid Service (Chief Executive) and the Chief Finance Officer (often referred to as the Section 151 Officer).

Under the current disciplinary arrangements for statutory officers, any decision to dismiss a statutory officer must be taken by full council, following a hearing by a panel that must include at least two Independent Persons. The Committee consider that the disciplinary protections for statutory officers should be enhanced, by extending disciplinary protections to all disciplinary actions (such as suspension or formal warnings), not just dismissal.

The Government agrees in principle with this recommendation and recognises this will be pertinent to Monitoring Officers who may not necessarily be afforded the same seniority in the organisational hierarchy of a local authority as the two other statutory officers (Head of Paid Service and the Section 151 Officer), and who may be subject to personal pressures when conducting high profile breach of conduct investigations.

The Government will engage with sector representative bodies of all tiers of local government to seek views on amending the Local Authorities (Standing Orders) (England)(Amendment) Regulations to provide disciplinary protections for statutory officers.

## **Recommendation 23**

**The Local Government Transparency Code should be updated to provide that local authorities must ensure that their whistleblowing policy specifies a named contact for the external auditor alongside their contact details, which should be available on the authority's website.**

The Government agrees with the principle that openness is essential.

Most local authorities already publish their whistleblowing policy, procedures and a named contact on their websites, and Government is recommending that this is adopted as a best practice recommendation.

The Government published the UK National Action Plan for Open Government 2021 – 2023 in January 2022. This includes a commitment on local transparency.<sup>3</sup> The Department for Levelling Up Housing and Communities (DLUHC) will work with the local government community to develop a set of specific actions to advance transparency in the sector. DLUHC will support local government to solidify their transparency policies and processes and encourage proactive publication of open data across councils.

## **Recommendation 24**

### **Councillors should be listed as ‘prescribed persons’ for the purposes of the Public Interest Disclosure Act 1998.**

Prescribed persons are individuals or organisations that a worker may approach outside their workplace to report suspected or known wrongdoing and still be protected by the rights afforded to them under whistleblowing legislation. They are prescribed by an order made by the Secretary of State (for Business, Energy and Industrial Strategy) for this purpose. A complete list of prescribed persons is available here: <https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2>.

Local councillors would not meet the criteria of being external to an individual’s workplace in relation to matters affecting the council and could therefore not be considered as a ‘prescribed person’ for the purposes of the Public Interest Disclosure Act 1998. Disclosures relating to local authorities can be made to the external auditor of the relevant authority, the Comptroller and Auditor General (National Audit Office), or a Member of Parliament.

However, the Government recognises that this may provide a further check and balance against council corruption or wrongdoing and is open to further representations on the matter on how local accountability can be strengthened in this regard.

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<sup>3</sup> <https://www.gov.uk/government/publications/uk-national-action-plan-for-open-government-2021-2023/uk-national-action-plan-for-open-government-2021-2023#local-transparency>

## **Investigation report following referral by Surrey Heath Borough Council's Deputy Monitoring Officer into Conduct of Councillors Clark and Vaughan Bisley Parish Council.**

### **Introduction and Background**

A formal complaint was made on 10 June 2021 against Cllr Vaughan and Cllr Clark in respect of bullying the former clerk to Bisley Parish Council, Jill Biden, and failing to support her in her role as clerk. The complaint asserts that the behaviour of Cllr Vaughan and Cllr Clark was contrary to the code of conduct for Councillors at Bisley Parish Council.

Under the Council's complaints process, the Deputy Monitoring Officer has determined that the complaint merits further investigation to determine relevant facts and circumstances before any final decisions or recommendations can be made.

Whilst Standing Orders appear to have been followed, the issue of the lack of effective policy and procedure in place for Bisley Parish Council is an omission that has enabled undesirable behaviour to persist within the Council. The investigation panel will be making a series of recommendations in this report which it hopes will assist in resolving differences and prevent difficulties for the Council going forwards.

### **The Investigation Process**

This Investigation into allegations of Councillor misconduct has followed the requirements of S28 Localism Act 2011 as well as the guidance and supporting documentation at Part D, p.351 of Surrey Heath Borough Council's Constitution.

An Investigations Panel was convened to review the allegations, comprising the Council's Principal Lawyer Rebecca Batten, the Senior HR officer Bobbie Ludlow, and the Senior Internal Auditor Alex Middleton.

The Panel has considered the member complaint against the witness evidence of other Councillors as well as the subject members and will outline the process below by listing the interviews that were conducted and the form of evidence that has been considered by the panel.

Due to the seriousness of the allegations of bullying, it was necessary to consider whether there was evidence of a failure to comply with several provisions of the Bisley Parish Council Members Code of Conduct, particularly where the Panel did not find evidence of the principal allegation of bullying.

The Panel sent an initial letter out to selected members of Bisley Parish Council on 24 January 2022 inviting them to attend an Interview in person. The two members who were subject of the complaints, Cllr Clark and Cllr Vaughan, were unable to attend due to ill health and personal reasons. However, following a list of questions being sent out to Cllr Clark and Cllr Vaughan by email on 22 February, responses were received in written form, by email. Accordingly, the panel were furnished with sufficient information to consider the member conduct complaints fully.

Personal Interviews were conducted in confidence at Surrey Heath Borough Council offices, as follows:

1. Cllr Steve Moore: The panel had the benefit of the original complaint dated 10 June 2021 as well as oral evidence at personal interview on 7<sup>th</sup> February 2022 at which time some additional documents were provided to the Panel in confidence.

2. Jill Biden – The panel had the benefit of a witness statement dated 20 October 2021 as well as oral evidence at personal interview on 9<sup>th</sup> February 2022 and furthermore, Jill Biden requested a second meeting on 16 February 2022 to provide additional evidence orally.
3. Cllr Erica Agombar – The panel had the benefit of a witness statement dated 3 December 2021 as well as oral evidence at personal interview on 9<sup>th</sup> February 2022.
4. Cllr Tina James- The panel had the benefit of the oral evidence provided during a personal interview on 17<sup>th</sup> February 2022.

In accordance with the arrangements for dealing with allegations of misconduct under s28 Localism Act both Councillor Vaughan and Councillor Clark were provided a copy of the draft investigation report and were afforded 10 days to make any comments about any factual errors that were found. A number of emails were received from Councillor Clark and these have been considered. A couple of emails were received from Councillor Vaughan although some of his additional information was provided out of time. In view of this, some clarifications and amendments have been made to the report as a result of the observations that were made to the panel.

### **The Investigation Panel's findings**

#### **1. General Obligations Code of Conduct 2.2(b) *Bully any person.***

It is the Panel's decision that the evidence has not demonstrated that either Councillor Clark nor Councillor Vaughan has subjected Jill Biden to bullying and in the absence of a bullying policy, instances of questioning the methods or practices of Jill Biden are not construed as meeting the threshold for either bullying or harassing behaviour.

#### **2. General Obligations Code of Conduct 2.2 (d) *Not do anything that compromises or is likely to compromise the impartiality of those who work for, or on behalf of the Council.***

The Panel found that following the receipt of CCTV footage from the Trustees of the Village Hall showing Councillor Clark attaching information to noticeboards, the forwarding of this data to all Councillors in a group email had become the subject of a complaint by Councillor Clark who stated that there had been a breach of GDPR. As Councillor Clark was the only Councillor who saw fit to complain in this way, it is the Panel's finding that on the balance of probabilities she was acting out of self interest in raising this complaint. The Panel consider it was wholly appropriate for the clerk to forward the data to Bisley Parish Council and that this complaint lacked foundation.

Having erroneously been accused of causing a breach of GDPR, the Panel found that Jill Biden's ability to determine whether it was indeed a breach and how it should be managed, were compromised. As a result of this complaint, the appropriate next steps were not followed, and Jill Biden resigned from her position.

#### **3. Code of Conduct 2.5 (a) *must not use or attempt to use your position as a Councillor or co-opted member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage.***

The Panel found that the witness evidence showed that Councillor Clark was insistent on being part of the Human Resources ("HR") subcommittee despite not having been nominated and accepted to this position. This showed disrespect for the democratically elected members of that subcommittee and on the balance of probabilities showed that she wished to secure an advantage for herself in respect of improperly accessing to confidential HR information which

would not necessarily have been communicated to the Parish Council outside of the HR committee.

#### **4. Code of Conduct clause 1.2 High Standards of Conduct**

*It is your responsibility to comply with the provisions of this Code which will assist the Council in meeting its statutory obligation to promote and maintain high standards of conduct by:*

*c) Objectivity. In carrying out public business.*

It is the Panel's finding that Councillor Clark has failed to meet the standards of conduct required under clause 1.2(c) when she failed to stay at 'arm's length' from a matter in which she had a personal conflict of interests; this being the content of a discussion at the Extraordinary General Meeting about 'noticeboards' on 24 May 2021. Despite correctly absenting herself from the meeting due to this conflict, Councillor Clerk retrospectively questioned Jill Biden about information and advice that was put before the Councillors at that meeting. The Panel finds that this questioning by Councillor Clark showed a lack of objectivity.

*d) Accountability. Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.*

It is the Panel's finding that Councillor Clark has failed to meet the standards of conduct required under clause 1.2(d), As the witness evidence shows Cllr Clark withdrew her participation from the 'checkpoint scheme' that fellow Councillors discussed and agreed at the Extraordinary General Meeting on 24 May 2021 would be suitable and proportionate redress for Cllr Clark to follow after the 'noticeboards' incident. Cllr Clark should have expected this level of scrutiny after the event had taken place.

#### **5. Clause 1.2(g) General Provision – Leadership**

It is the Panel's finding that Councillor Vaughan failed to meet the high standard of conduct required by the Chairman of the Parish Council (at that time) in failing to consider or properly direct Jill Biden's concerns of bullying on or around 23 March 2020 and more specifically, in failing to respond to Jill Biden's letter dated 25 February 2021. This amounts to a failure to promote and support the principles enshrined in the Code of Conduct.

Councillor Vaughan, the Chair at the time, demonstrated on occasions a lack of personnel support towards the clerk, for example in not responding to a letter from the clerk in which she requested a meeting with him. This would reasonably be expected for such a position, including not having regular 1 to 1s, annual appraisals, as well as periodically reviewing the clerk's job description and general duties.

#### **Panel Recommendations**

In the absence of any material findings of bullying and/ or harassment by Councillors Vaughan and Clark, the Panel came to the conclusion that there are, none the less, minor breaches of the code of conduct for which both Councillors must apologise in writing to the clerk, Jill Biden.

Furthermore, the Panel has made a series of recommendations, below, for Bisley Parish Council to implement in order to minimise the risk of councillor complaints relating to misconduct going forward. These are all in furtherance of best practice guidance.

1. There is no grievance policy in place which covers bullying and harassment. The Council needs to implement a proper policy and mechanisms put in place so it can be monitored and complied with. All Cllrs and co-opted Members should be required to sign up to this to demonstrate solidarity and openness.
2. A full set of Policies and Procedures are available from the National Association of Local Councils ("NALC") which it is suggested would be beneficial to implement and put in place even if they are later required to be made more specific to Bisley Parish Council. It is suggested that Members sign up to these to demonstrate a willingness to work within a suitable framework for best practice.
3. Due to Information Technology issues, no common policy has been established for communicating between Cllrs. BPC needs to introduce a communications policy/procedure, and ensure business is only conducted using a secure business email. We also advise the setting up of a group email group to avoid exclusion of individuals from discussion.
4. BPC needs to implement a Data Protection Policy that covers individual rights under Data Protection as well as Freedom of Information requests and to specifically detail what procedure should be in place in the absence of the Data Protection Officer.
5. The HR Committee needs to be formalised, with dedicated Terms of Reference, and voted Member constitution. The powers of the HR committee also need to be agreed. In addition, the HR Committee is to continually review whether there are learning or development needs and to resource suitable training providers.
6. BPC employees would benefit from appraisals, Job Descriptions reviewed and updated, training and development needs recorded, and 1 to 1 meeting set up at regular intervals.
7. We would advise a full set of guidelines or working practices for use by Councillors in respect of social media and when it is inappropriate and/ or appropriate.
8. Cllr should try and stick to conducting Bisley Parish Council business within the remit of Council agendas and meetings. There appears to be too much use of off the record discussions, and not all Cllrs are invited to take part.
9. Any Cllr or staffing issues should be raised at the HR committee – including staff or Cllr performance, or issues such as lack of, or non-compliance with Code of Conduct or Standing Orders.
10. A remuneration report should be prepared regularly, as a minimum every 2 years or whenever there is a change to BPC's constitution or roles. All proposed changes to Cllr allowances should be an agenda item and Standing Orders followed.

### **Investigating officers**

Rebecca Batten (Principal Solicitor for Litigation)

Bobbie Ludlow (Senior HR Officer)

Alex Middleton (Senior Auditor)

**Date: 18<sup>th</sup> July 2022**

**Surrey Heath Borough Council  
Audit & Standards Committee  
21 November 2022**

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**Internal Audit Recommendations**

**Head of Service:** Gavin Ramtohal, Head of Democratic & Legal Services  
**Report Author:** Alex Middleton, Head of Internal Audit  
**Key Decision:** No  
**Wards Affected:** N/A

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**Summary and purpose**

To provide members with an update on Internal Audit recommendations.

**Recommendation**

The Audit and Standards Committee is asked to note the report.

**1. Background and Supporting Information**

- 1.1 At the previous Audit and Standards Committee, Members requested an update on Internal Audit recommendations. This report provides details of recommendations raised and agreed since April 2021 until Summer 2022.
- 1.2 Detail of all the recommendations is shown in the attached schedule.

**Introduction**

- 1.3 The Council's internal Audit team recommend areas for improvement following audit reviews of Council systems and activities. Audit recommendations are given one of three classifications:
  - **Essential** – Normally require immediate attention to address substantial weakness and ensure council business objectives are met; could result in financial loss; non-compliance with statutory guidance/legislation.
  - **Desirable** – Contribute to maintain an effective control environment and ensure policies and procedures are met; help to ensure Council priorities and milestones are met; short term implementation.

- **Best Practice** – Industry best practice suggestions; help improve overall control and efficiency; assist management to deliver services; medium to long term implementation.

## **Details of Audit Recommendations**

- 1.4 A review of the status of audit recommendations was carried out following a request from Members.
- 1.5 The majority of recommendations have been dully implemented. However, at the time of this report, there were 18 actions still to be implemented in full, broken down as follows:
- Revenues – 1
  - Capital – 3
  - Information Governance – 4
  - Parking – 3
  - Housing -2
  - Fraud – 2
  - Emergency Planning – 2
  - Theatre – 1
- 1.6 Only one recommendation is an essential recommendation. It relates to compliance with the INSPIRE regulations. An update on the status of this recommendation was discussed with the Council's IG Manager and the ICT Manager and is provided in the attached schedule.
- 1.7 The remainder of the overdue recommendations are Desirable, and the Internal Audit is progressing these with individual services.

Members are asked to note to review and note the status of Audit Recommendations.

## **2. Proposal and Alternative Options**

- 2.1 No alternative options.

## **3. Contribution to the Council's Five Year Strategy**

- 3.1 N/A

## **4. Resource Implications**

- 4.1 No resource implications arising from this report.

## **5. Section 151 Officer Comments**

- 5.1 N/A

## **6. Legal and Governance Issues**



6.1 N/A

**7. Monitor Officers Comments**

7.1 N/A

**8. Other Considerations and Impacts**

8.1 Failure to operate an effective internal audit service could reduce the level of assurance provided to senior management and Members regarding risk management processes, control systems, account records as well as governance arrangements.

**Annexes**

**Annex A - Audit and Standards Recommendations**

**Background Papers**

None

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AUDIT RECOMMENDATIONS LOG

Audit	Recommendation	Category	Date Raised	Due Date	Implemented Y/N	Action taken to address recommendation	Action still to be taken	Responsible Officer
Treasury	Finance should carry out a review of the marketplace and consider tendering for a new treasury contract, as the current agreement with Arlingclose has expired	Desirable	Nov-21	30/06/22	Y	Tender exercise carried out. Council has moved to Link Group for treasury service from April 2022, saving approx £2k year.		Bob Watson
Treasury	Finance should critically review what level of service specification is required for the new service, i.e.. Whether training is to be provided, what level of technical support is needed, whether the new firm should be required to update CMT/Members etc, as the service specification that was agreed to in 2014 may no longer be totally appropriate	Desirable	Nov-21	30/06/22	Y	Tender exercise carried out. Council has moved to Link Group for treasury service from April 2022, saving approx £2k year. New arrangements and service detailed in service specification		Bob Watson
Treasury	Finance should check the current fees payable to Arlingclose and establish whether they agree back to the original agreement and it is suggested that the council establishes what should be a realistic annual amount for any new contract	Desirable	Nov-21	30/06/22	Y	Tender exercise carried out. Council has moved to Link Group for treasury service from April 2022, saving approx £2k year.		Bob Watson
Main Accounting	All high value journals should be suitably approved and signed off by either the Chief Accountant or Section 151 Officer.	Desirable	May-22	31/05/22	Y	In place and working		Adrian Flynn/Tony McGuinness
Main Accounting	The service should consider drafting procedure notes for the processing and approvals of journals to enable consistency of approach.	Desirable	May-22	31/07/22	Y	With the way journals are authorised via a review of the weekly report of journals entered on the system and bulk signing by the CA, procedure notes don't need to be written any longer.		Adrian Flynn/Tony McGuinness
Main Accounting	The Chief Accountant should ensure services are chased to submit on a regular basis their budget monitoring reports to Finance. Consideration should be given to escalating non response to CMT as necessary.	Desirable	May-22	31/07/22	Y	This process has now been reviewed and changes have been made and reports are currently being rewritten to ensure that forecasts are collected monthly from budget holders supported by the service accountants.		Adrian Flynn/Tony McGuinness
Main Accounting	Records of all approvals made by Senior Accountants should be scanned so that they can be reviewed.	Desirable	May-22	31/07/22	Y	Actioned		Adrian Flynn/Tony McGuinness
Revenues	Refunds for both Council tax and business rates should be approved by Revenue officers within their delegated powers as per the authorised signatory system.	Desirable	Oct-21	31/12/21	N		Now superceded by a new recommendation in the 22/23 audit	Robert Fox
Cash	The post room should ensure that the Kiosk machine is emptied of all cash holdings, in order to protect staff and minimise the risk of cash being held on site unnecessarily, whenever it is not used for a period of time, eg. To accommodate any future lockdowns, and closure of Council offices.	Essential	Oct-21	31/12/21	Y	Procedure documents within the post room, have been updated to reflect that upon the implementation of a 'long term' closure the kiosk will be emptied and all cash/contents relocated to the safe. All staff have been fully briefed and are aware.		Teresa Pinnock/Lynn Smith
Cash	The agreement between the Council and the kiosk provider KPR should be reviewed and updated to reflect the current maintenance and licensing costs requirements.	Desirable	Oct-21	31/12/21	Y	A copy of the contract was requested and sent through to Audit. The costs at the time were: £3600 PA annual maintenance charge. Reduced from previous years. Reason unknown. KPR are no longer the provider. The Council has recently entered into a new arrangement with another service provider called Payment Kiosks. A SLA was provided to audit signed and dated Jan 2022. All maintenance and costs have been provided. A copy of the annual invoice was also provided.		Lynn Smith
Cash	Customer Services should confirm the actual costs with ICT staff and ensure that the Council is protected going forward.	Desirable	Oct-21	31/12/21	Y	Actioned, costs have been confirmed with annual maintenance and licence costs paid by Council		Lynn Smith/Stuart Field
Creditors	The audit has identified 16 potential duplicate creditor payments. Finance should carry out their own checks to determine whether these payments are actual duplicates.	Essential	Apr-22	31/07/22	Y	Actioned. Finance reviewed all the cases and agreed they were duplicates		Bob Watson/Michelle Smith
Creditors	As the potential duplicate payments have only been identified for the period April 2020 to November 2021, no assurances can be given on creditor data older than this. Finance should consider whether additional work is required to analyse older records between the period 2014 and 2020.	Essential	Apr-22	31/07/22	Y	Actioned. The Council has now entered into an agreement with Fiscal Technologies to implement NXG Forensics product. This will improve controls on duplicate invoices, will reduce risk and fraud, will strengthen cyber awareness by helping to manage our supplier database, and unusual transactions, and will protect organisation spend. All creditor invoices paid in the last 2 years have been uploaded for review. (resulting in 13k payments and has identified a number of risks which are being addressed by priority).		Bob Watson/Michelle Smith
Creditors	External support should be considered for additional historical data analysis, such as using Fiscal Tech. As this hasn't been budgeted for it will need to be considered as a growth item for 22/23.	Desirable	Apr-22	31/07/22	Y	Actioned. The new Fiscal Tech product is now being used see above		Bob Watson/Michelle Smith
Creditors	Finance should critically examine existing controls for identifying potential duplicate payments, as they may not be working effectively. For example the current duplicate payments report from civica only uses the invoice date (CRVOUCH_INV DATE) and invoice amount (CRVOUCH_GROSS_AMOUNT) fields.	Essential	Apr-22	31/07/22	Y	Actioned. The new Fiscal Tech product is now being used see above		Bob Watson/Michelle Smith
Creditors	The Council should decide whether it should pursue the duplicate payments made with suppliers with the aim of recovering some of the overpayment.	Essential	Apr-22	31/07/22	Y	Actioned. All refunds/credits identified have now been received/agreed with the suppliers, so all duplicates highlighted in report have been addressed and recovered		Bob Watson/Michelle Smith
Creditors	Finance should remind all services to carry out their own checks on incoming invoices to ensure they haven't previously been paid.	Essential	Apr-22	31/07/22	Y	Actioned. All emails sent to officers Feb 21, July 21 and Jan, Feb 22.		Bob Watson/Michelle Smith
Creditors	All copy invoices should be held in civica by scanning copies into the system.	Desirable	Apr-22	31/07/22	Y	All invoices & BACS vouchers are processed through Kofax which uploads the documents through PDF into Civica .		Bob Watson/Michelle Smith
Creditors	ICT should ensure it checks the BACSTEL reports and signed off by a senior officer.	Desirable	Apr-22	30/06/22	Y	Actioned - this continues to be actioned by ICT apps team staff using separation of duties		Stuart Field

Creditors	the ICT apps team ensures that the task of transmitting the weekly payment BACSTEL report to the bank is completed by ensuring that the freshservice reminder checks are applied.	Essential	Apr-22	30/06/22		Y	Actioned - this continues to be actioned by ICT apps team staff using separation of duties		Stuart Field
Creditors	A senior finance officer should review and sign off and approve all vouchers in excess of £20k in accordance with Council guidelines and procedures. If this is to complete the box task, then it should be annotated as evidence of such.	Desirable	Apr-22	30/06/22		Y	yes, in place and working		Adrian Flynn
Creditors	The transactions team in finance should check that they have received a notification from ICT that the weekly transmission file has been successfully sent to the bank, no later than 14:30 every Wednesday, and to escalate matters if the corresponding notification hasn't been received on time.	Essential	Apr-22	30/06/22		Y	In place and working		Bob Watson/Michelle Smith
Creditors	Finance should remind staff that correctly presented and undisputed supplier invoices are paid within the agreed payment terms.	Desirable	Apr-22	30/06/22		Y	Actioned. All emails sent to officers Feb 21, July 21 and Jan, Feb 22.		Bob Watson/Michelle Smith
Creditors	Finance should remind staff that POs should be raised on time and all goods and services are GRN'd immediately following receipt before invoices are submitted for payment.	Desirable	Apr-22	30/06/22		Y	Actioned. All emails sent to officers Feb 21, July 21 and Jan, Feb 22.		Bob Watson/Michelle Smith
Creditors	Services should be reminded that goods or services should only be GRN'd once the specific goods or services have been received and not before.	Desirable	Apr-22	30/06/22		Y	Actioned. All emails sent to officers Feb 21, July 21 and Jan, Feb 22.		Bob Watson/Michelle Smith
Capital	A written record of assets and equipment over £250 held by the Contact Centre and Post Room and Printing service should be maintained by way of an inventory. These should be regularly reviewed and kept up to date. All new purchases should be added to the asset/equipment list and all disposals to be removed. This inventory should be a stand-alone record, but can be used to inform emergency planning and business continuity	Desirable	Apr-21	30/04/21		Y AND N	(Contact Centre/Post room): Agreed. A spreadsheet is being produced which will be maintained within the CC Box file. This will incorporate the recorded items previously submitted and will be maintained and updated as and when any additional piece of equipment is removed, changed or added.	(Print room): Agreed. Print room assets and equipment will be reviewed with a view of recording the information that ICT have. Anticipate 2 months to complete.	Lynn Smith/Stuart Field
Capital	Council services should be obtaining and holding asset and equipment values to inform the maintenance of their inventories and which should be the basis of our insurance records. The values should inform the all-risk register for insurance purposes.	Desirable	Apr-21	30/06/21		Y AND N	Contact Centre - actioned at the time	ICT - still to be notified	Lynn Smith
Capital	Arrangements are sought and clarified in respect of insurance processes within the Council	Desirable	Apr-21	30/04/21		Y	There are regular meetings between the Council's Finance Team and the London Borough of Sutton to review insurance cover and terms. The review of insurance documentation will be a standing item on future agendas for these quarterly review meetings.		S151/Adrian Flynn
Capital	The arrangements in respect of the all risks spreadsheet in conjunction with the London Borough of Sutton should be reviewed and brought up to date to ensure all Council assets over a de minimus value are recorded and covered	Desirable	Apr-21	30/04/21		N			S151/Adrian Flynn
Information Governance	Resources/support should be provided to ensure that the combined Information Asset/ROPA/retention and disposal Register is completed for Revenues and Benefits, in line with ICO guidelines.	Desirable	Feb-22	30/09/22		N		Confirmed this is a risk on the IS Risk Register which is reviewed by myself and ICT, I am still to have a quarterly meeting with the SIRO and DPO due to timings and lack of engagement however the whole Risk Management process Council wide is being looked at which I hope will mandate these meeting and this will be on the agenda at the next one.	Sally Turnbull/Gavin Ramtohal
Information Governance	HR in conjunction with service managers and ICT should ensure that all Council provided assets/devices are returned by members of staff before they leave the Council, in accordance with the Council's exit policy and its Information Security Policy.	Essential	Feb-22	30/09/22		Y	I have worked with HR to and have included a very specific action in all staff leavers letter to return kit. The IS Policy has been reviewed with ICT and the onus has been put on Line Managers to ensure kit is returned.		Sally Turnbull/Gavin Ramtohal
Information Governance	Both the IG Manager and the Equalities working group should consult each other when new projects/changes to existing systems are considered in order for new Impact Assessments to be completed.	Desirable	Feb-22	30/09/22		Y	I have spoken to HR Manager and they have confirmed that where a new or change to system or sharing is brought to EAG the IG Manager will also be invited to the meeting.		Sally Turnbull/Gavin Ramtohal
Information Governance	The appointment of the Council's Internal Review responsible officer for FOI and EIR cases to the Information Governance Manager should be approved and adopted either within the Council's Scheme of Delegation for officers or similar governance arrangement.	Desirable	Feb-22	30/09/22		Y	Agreed and actioned. The issue was raised with the Council's DP Officer who was of the opinion that the matter should be addressed as BAU as part of day to day policy/operation.		Sally Turnbull/Gavin Ramtohal
Information Governance	The Council should review what actions have already been taken to comply with the INSPIRE regulations and consider what additional steps still need to be taken to meet the regulations.	Essential	Feb-22	30/09/22		N		Our current spatial data does not link to Geosphere, we are waiting on Geosphere to provide us with access to our own instance of Geoserver once we have this the Inspire regulations will be reviewed and an action plan agreed with ICT and IG.	Sally Turnbull/Gavin Ramtohal
Information Governance	Agreement should be sought from CMT as to the level of resources it considers are required to meet the INSPIRE obligations and to provide that support/budget in 22/23 and beyond.	Desirable	Feb-22	30/09/22		N		Our current spatial data does not link to Geosphere, we are waiting on Geosphere to provide us with access to our own instance of Geoserver once we have this the Inspire regulations will be reviewed and an action plan agreed with ICT and IG.	Sally Turnbull/Gavin Ramtohal
Information Governance	Information relating to the INSPIRE regulations and how the Council is meeting their obligations, including any guidance for the public and a schedule of any fees and charges should be published on the Councils' website, similar to the FOI and EIR regulations.	Desirable	Feb-22	30/09/22		N		I have not managed to progress this one yet. I have raised it at my Surrey IG Leads group which all Surrey D's & B's and County attend to try and gauge what other Authorities are doing to see if we can take their example rather than reinvent the wheel, unfortunately none where aware that they had ever received a request under Inspire and therefore where not willing to put the resource into formalising a process and where planning to action under EIR if a request did come in. I will make contact with ICT to progress and update you when I have actions agreed.	Sally Turnbull/Gavin Ramtohal

Information Governance	The Council should update the information it publishes under the Publication Scheme to comply with the FOI Act. ESSENTIAL (for records required to be published by law) DESIRABLE (for desirable items)	Essential/Desirable	Feb-22	30/09/22	Y	I have completed a review of the Publication Scheme master checklist and inserted a essential/desirable column to identify what data in accordance with the LG Transparency Code we must publish. All essential items have been updated or contact has been made with the information owner to update. Comms are no longer able to automate alerts this was something they thought they could do but in reality can't therefore the IG Work Program will continue to include a annual review of the Publication Scheme.	Sally Turnbull/Gavin Ramtohal
Information Governance	The Information Charter should be reviewed and refreshed to reflect the Council's current values and practices.	Desirable	Feb-22	30/09/22	Y	Information Charter has been updated	Sally Turnbull/Gavin Ramtohal
Information Governance	Arrangements should be made for all staff who failed to complete the last data protection training to undergo the new training course when it is rolled out in 2022.	Essential	Feb-22	30/09/22	Y	The Council again achieved over 95% of training in June 2022, All staff that failed to complete have been escalated to relevant CMT this included x1 staff member identified as failing to complete in both 2021 and 2022.	Sally Turnbull/Gavin Ramtohal
Parking	Parking Services should ensure that daily income variances in respect of takings from car parks are fully investigated, recorded and resolved as a matter of priority, and all material variances are prioritized.	Essential	Apr-22	31/05/22	Y	Any discrepancy will be investigated at the time of discovery. The value of the discrepancy will determine the level of investigation, however, any discrepancy over £20 will be fully investigated. Ongoing training on how to investigate the discrepancies will be provided. Where necessary the car park team, our contractor or our equipment manufacturer will be called up on to provide assistance and information to help with any investigation.	Eugene Leal
Parking	It is recommended that the parking team reports all discrepancies in excess of £20 to Internal Audit, in accordance with the Council's Financial Regulations.	Essential	Apr-22	30/04/22	Y	Any discrepancy over £20 will be notified to the PSM by email on the day that the discrepancy is identified. The PSM will notify audit when they occur. This will be double checked as part of the spot check exercise to complying with Council Financial Regulations.	Eugene Leal
Parking	It is recommended that Parking Services liaises with NewPark to investigate why certain cash records produced by NewPark cannot be agreed back to cash collected and banked. The service should also investigate the reasons as to why there was no Newpark report generated on 21 December 2021.	Desirable	Apr-22	31/05/22	N		It was agreed that the PSM make better use of speaking to Newpark when system reports cannot be run, or when there is no explanation why certain variances have occurred.
Parking	It is recommended that the parking team ensures that all customers provide adequate supporting documentation in respect of permits and season ticket applications.	Desirable	Apr-22	31/05/22	N		The procedure for issuing permits and the recording of documents, correspondence and records is to be refreshed. Refresher training on the new process is to be rolled out by the PSM to the back office team. This will ensure all documentation is up to date and any communication document trail can be easily identified. Any customer who cannot provide the requisite documentation will have their permits be revoked.
Parking	The parking team should ensure that all supporting documentation in respect of season tickets and permits are fully uploaded on to the parking system, so accounts can be verified and to provide a full audit trail.	Desirable	Apr-22	31/05/22	N		Due to the limitation of the current MiPermit system, once documents have been up loaded, new documents can be held, but not displayed. The new process mentioned above will identify the actions taken to ensure all documentation is recorded. This control is relevant to resident permits and parking subsidy season ticket holders who have to prove they are eligible for their respective permits. It was agreed that most customers are long standing and will be requesting renewals, as opposed to new applications when full checks on documents need to be validated. It was agreed that the system is intended to be a self-serve system enabling customers to upload Immediate Admin Team / PSM
Housing/DGFs	It is recommended that the Housing Services Manager should present annual reports either to the Surrey Heath Health and Well-being Board if it is still meeting, or to a similar advisory group, in order to update the group on the progress being made in delivering housing options and well-being of the residents of the borough.	Desirable	Aug-21	31/08/21	Y AND N	The number of DFG completions is also included in the Success Measures collected quarterly. – implemented and ongoing	The Housing Services Manager now sits on the Local Joint Commissioning Group (LJCG) which manage the Better Care Fund locally and includes the Area Director of Adult Social Care and Managing Director of the CCG. A report will be taken to this group.

Housing/DGFs	It is recommended that all customer satisfaction surveys are returned, collated and analysed by service officers in order to guide service improvement and to highlight lessons learnt.	Desirable	Aug-21	31/08/21	N		A review of the format of the survey and consideration of best practice will be considered to maximise useful responses. – work outstanding while resource to undertake the work is identified, since the recommendation was made the Council has secured Better Care Funding to commission an independent review of the DFG service in terms of its effectiveness, value for money and integration with other services	Clive Jinman
Housing/DGFs	It is recommended that where goods or services or contract works are required and where there is only one supplier available the Service Manager should seek a waiver in writing from the Council's Monitoring Officer/Section 151 officer exempting Standing Orders from being followed.	Essential	Aug-21	31/08/21	Y	Implemented and further advice sought from Internal Audit regarding issues particular to DFG delivery, such as specialist equipment.		Clive Jinman
Housing/DGFs	It is recommended that a minimum of 3 quotations are obtained wherever possible for all grants awarded in excess of £5K as per the Council's Contract Standing Orders.	Essential	Aug-21	31/08/21	Y	Implemented		Clive Jinman
Housing/DGFs	Housing Services should either undertake a review of the SLA held with Architectural Survey Services OR revise the SLA to make provisions for carrying out such a review only when significant changes to the DFG process have occurred.	Desirable	Aug-21	31/08/21	Y	Actioned , no increase in fees		Clive Jinman
Housing/DGFs	It is recommended that Housing Services obtain and hold a copy of the approved list of DFG contractors for reference purposes	Desirable	Aug-21	31/08/21	Y	Implemented		Clive Jinman
Fraud	It is recommended that the Council via Democratic services ensures that a register is maintained where officer declarations of interests can be logged.	Desirable	Jul-21	30/09/21	Y	Electronic register has been produced.		Gavin Gamtohal
Fraud	It is recommended that HR should consider carrying out a trial run of the e-learning fraud training module with a selected number of Council staff, with a view to rolling out the training to all staff.	Desirable	Jul-21	31/03/22	N		Audit has tested the software but it never showed that it had been done. E-learning is available but approach CMT with thoughts on who should complete this training as not sure all staff need to complete. HR will follow up with CMT.	Julie Simmonds
Fraud	It is recommended that HR continue to follow up with the relevant new starters in order for the full induction records to be returned as soon as possible.	Desirable	Jul-21	30/09/21	Y	Through BOX, tasks are set up as a member of staff starts to set for a probation form to be completed at 1 month, 3 months and 6 months by their manager. There is also an induction checklist through BOX which is shared with the manager so they can update the induction checklist all within the employee staff file.Can't deny that we are often still chasing for completion but made easier as the documents are all visible to HR.		Julie Simmonds
Fraud	It is recommended that the MO or HR should issue reminders to all Council staff about the benefits of undergoing refresh on the existing anti-fraud and other corporate policies.	Desirable	Jul-21	31/12/21	N		If it is the anti- fraud reminders this should be done by MO or S151 Officer. For other policies HR is going to speak to ICT Manager to see what technology on Warbler can be used.	Julie Simmonds
Fraud	The Corporate Risk Group should consider adding fraud risk to the corporate risk register and regularly assess both the internal and external fraud risks the Council faces.	Desirable	Jul-21	30/09/21	Y	Fraud is now a standard item on the agenda		Gavin Gamtohal
Fraud	It is recommended that a new digital gifts and hospitality register is created in order for entries to be logged electronically instead of using the paper based form.	Desirable	Jul-21	30/09/21	Y	Electronic register has been created		Gavin Gamtohal
Fraud	It is recommended that officers do not accept gifts from outside of the Council unless they are trade gifts worth less than £50, in accordance with section 18 of the Code of Conduct.	Desirable	Jul-21	31/12/21	Y	MO sends reminder in Dec every year		Gavin Gamtohal
Fraud	It is recommended that officers are mindful to complete all details when logging hospitality into the register, including type of hospitality and person/company offering the hospitality.	Desirable	Jul-21	31/12/21	Y	Electronic register requests this information		Gavin Gamtohal
Payroll	In order to assess what its establishment (i.e. required staffing levels), staff in post and vacancies are across the organisation, HR should be conducting regular establishment control checks, at least every 6 months. Any delays may result in staff data becoming out of date and errors occurring. Full records of the exercise and sign off by managers must be kept so that an audit trail is provided.	Essential	Apr-22	31/07/22	Y	Establishment list was worked on between HR & Finance. Signed agreement to the establishment lists were received from relevant HOS or SD with the exception of Finance itself as Nilufa met with those relevant managers. HR are in the process of sending out establishment lists again for SD/HOS to sign off as accurate. These will be complete as tasks on Box for each area		Julie Simmonds
Payroll	The establishment control exercise must include all casual posts, not just temporary or permanent posts, as these posts can get overlooked.	Desirable	Apr-22	31/07/22	Y	Establishment list includes all Casual staff and these are being monitored and a process is currently in progress to review each January casual posts which have not worked in last 12 months. We have opted for Jan due to panto for the annual review. All casuals were reviewed in March this year and necessary managers were contacted to see if they are still required.		Julie Simmonds

Payroll	It is recommended that HR, in consultation with the Council's app team and the iTrent provider, address the issues of correct hourly rates for multiple job roles and the decimal figure claims, by making improvements/re configuration to the iTrent system.	Desirable	Apr-22	30/09/22	Y	HR has consulted with the HR system provider. Unable to set up the extra information on timesheet claims. Managers can see the hourly rate of the casual employee but it will not come up on the timesheet which is the question raised.	Julie Simmonds	
Payroll	All overtime claims, wherever possible, should be authorised by line managers who have knowledge of the claimant's work undertaken.	Desirable	Apr-22	31/07/22	Y	Managers sign off all claims through iTrent as they are shown as having their team reporting into them. Managers can redirect authorisations when they are on annual leave or away from the office for a period of time but only to another manager. In the event of one offs, for example the power outage earlier this year, this was created via a timesheet which payroll input but it was agreed and signed off by Louise Livingston and Nick Steevens who were managing the cover.	Julie Simmonds	
Payroll	HR should produce a system report to show any payments (overtime or time sheets) where the incorrect decimal figures have been claimed (i.e.. 15, 30 or 45 minutes).	Desirable	Apr-22	30/09/22	Y	Have worked with iTrent on this and it is now in the background of the system that it is corrected automatically.	Julie Simmonds	
Payroll	Any records relating to a 'group paid' overtime that do not require individual claims to be submitted and authorised in the usual manner in iTrent, should be held in box and cross referenced to each claim, to provide an audit trail.	Desirable	Apr-22	30/04/22	y	Actioned	Julie Simmonds	
Emergency Planning & Business Continuity	It is recommended that all heads of service in consultation with Applied Resilience ensure that individual Business Continuity plans are developed and maintained	Desirable	Dec-21	31/12/22	Y	Ongoing action	AR (with engagement with CMT owners)	
Emergency Planning & Business Continuity	Business Continuity plans should be stored and made readily accessible to each team accordingly. This is even more important with the recent re organisation	Desirable	Dec-21	30/04/22	Y	AR send the plans to the plan owners. It is then for plan owners to share them with their team members and ensure they know where the plans are saved.	AR (with engagement with CMT owners)	
Emergency Planning & Business Continuity	It is recommended that all heads of service in consultation with Applied Resilience ensure that Business Continuity plans are reviewed at least annually	Desirable	Dec-21	31/12/22	Y	Ongoing action	AR (with engagement with CMT owners)	
Emergency Planning & Business Continuity	It is recommended that services provide both the names and contact numbers for all key staff contained within their individual Business Continuity Plans going forward, and that these are regularly kept up to date	Desirable	Dec-21	30/04/22	Y	Currently reviewing the corporate contacts directory.	AR (with engagement with CMT owners)	
Emergency Planning & Business Continuity	It is recommended that Business updates equipment information in their Business Impact Assessment and that such details are kept up to date	Best Practice	Dec-21	30/04/22	Y	This is part of the standard BC process.	AR (with engagement with CMT owners)	
Emergency Planning & Business Continuity	It is recommended that all services should consider updating their staff listing in their individual BCPs by removing staff that no longer work for the Council or have since been transferred to other service areas	Desirable	Dec-21	30/04/22	N		Happy to send out a reminder for this.	AR (with engagement with CMT owners)
Emergency Planning & Business Continuity	It is recommended that records of staff that have undertaken BECC and other associated emergency planning training be made available for review to provide the appropriate assurance. Copies of EP training should also be shared with HR for HR purposes	Desirable	Dec-21	30/06/22	N		Lists sit with AR and can be shared with HR	AR (with engagement with CMT owners)
Emergency Planning & Business Continuity	It is recommended that desktop exercises of the Business Continuity Plans be undertaken with services by Applied Resilience at the earliest convenience. Results from these exercises should be reflected in service Business Plans as part of any lessons learnt processes	Desirable	Dec-21	31/12/22	Y	To my understanding, these were completed between March and May 2022. I will follow up with Businesses in any case.	AR (with engagement with CMT owners)	
Emergency Planning & Business Continuity	It is recommended that the results from these desktop exercises are reported to CMT	Desirable	Dec-21	31/12/22	Y	Ongoing action.	AR (with engagement with CMT owners)	
Emergency Planning & Business Continuity	the Council should give further consideration to migrating certain Housing related data including the Housing Register currently hosted by Council physical servers to cloud based storage platforms	Desirable	Dec-21	31/01/22	Y	actioned	AR (with engagement with CMT owners)	
Theatre	Theatre staff should consistently complete and sign the safe logbook. This increases the risk should cash go missing as there is little way of knowing who accessed the safe last and when	Desirable	Jun-22	15/07/22	Y	Now being actioned	Andy Edmeads	
Theatre	The theatre management should consider putting in place proper arrangements to account for car park income so that it can be validated	Desirable	Jun-22	30/09/22	N		In progress, but not achieved yet	Andy Edmeads/Eugene Leal
Theatre	Theatre officers should ensure customers complete and sign the booking forms when a room is hired at the theatre. For non-signing of agreements see recommendation 4	Desirable	Jun-22	15/07/22	Y	DocuSign has been phased out but has been replaced with Box Sign which is working well. Theatre staff have re-configured the Charges function in Artifax so this now generates Quotes and Agreements which will indicate the charges for the customer.	Andy Edmeads	
Theatre	Theatre officers should ensure that agreements or contracts should be signed by hirers to safeguard against the risk of contract terms not being met and when there is a breach or dispute contracts can be binding.	Desirable	Jun-22	15/07/22	Y	DocuSign has been phased out but has been replaced with Box Sign which is working well.	Andy Edmeads	
Theatre	Theatre Officers should keep copies of all delivery notes as proof that goods ordered were the goods received.	Desirable	Jun-22	15/07/22	Y	Now being actioned	Andy Edmeads	

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