

**GOVERNANCE, AUDIT AND PERFORMANCE COMMITTEE held at
COUNCIL CHAMBER - COUNCIL OFFICES, LONDON ROAD, SAFFRON
WALDEN, CB11 4ER, on THURSDAY, 29 SEPTEMBER 2022 at 7.00 pm**

Present: Councillor E Oliver (Chair)
Councillors G Driscoll (Vice-Chair), J Emanuel, A Khan, B Light
and S Luck

Officers in attendance: E Brooks (Internal Audit Manager), A Chessell (Chief
Procurement and Risk Officer), B Ferguson (Democratic
Services Manager), P Holt (Chief Executive), A Knight (Assistant
Director - Business and Change Management), P Reilly (Locum
Lawyer), J Reynolds (Assistant Director - Governance and
Legal), C Shanley-Grozavu (Democratic Services Officer) and
E Smith (Solicitor)

GAP61 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies were given by Councillors Foley and De Vries.

Councillor Light declared a non-pecuniary interest as a member of Saffron Town
Council and District Member for Saffron Walden.

GAP62 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 31 August 2022 were approved as correct.

**GAP63 COUNTER FRAUD STRATEGY ACTION PLAN UPDATE AND ASSOCIATED
DOCUMENTS**

The Internal Audit Manager updated members on the work undertaken on the
Counter Fraud Strategy Action Plan between March and September 2022. She
highlighted the inherent Council-wide Fraud Risk Assessment which had been
carried out, and the review of mitigating controls which will now be undertaken
arising from the assessment.

In response to members' questions about the Counter Fraud Working Group, the
Internal Audit Manager clarified that the membership consisted of staff who have
operational responsibility in departments with a high risk of fraud, such as
Council Tax, Housing and Benefits. It was confirmed that the group would
continue to exist beyond the Audit Manager leaving, as a way to provide greater
resilience in tackling fraud.

Councillor Light asked a question on behalf of a resident regarding tackling the
risk of members not declaring pecuniary interests. The Internal Audit Manager
explained that the risk assessment should alert the Council to this, as the risk
rating for conflicts of interest would be assessed, along with the controls that
should be in place to mitigate those risks. This might then involve Internal Audit

making recommendations based on identified controlled weaknesses and ensuring that the conflict-of-interest policy was fit for purpose.

The Internal Audit Manager confirmed that the mandatory training would be rolled out for all staff and members around the refreshed Whistleblowing Policy and Anti-Bribery and Corruption. This training would also be mandatory for all new starters.

The report was noted.

GAP64 PROCUREMENT ANNUAL REPORT - 2021/22

The Assistant Director (Business and Change Management) and the Chief Procurement and Risk Officer presented their report on the activity of the Council's procurement services; currently provided by Chelmsford City Council. It was highlighted that Chelmsford City Council now also provided procurement support for the emerging Local Plan.

Members sought clarification on the Planning costs outlined within the Procurement Awards (Appendix A). Officers confirmed that these costings were related to studies and consultations commissioned for the emerging Local Plan.

In response to further questions from members, officers said that if Uttlesford District Council chose to break from an existing contract then procurement support would be provided by Chelmsford City Council to explore alternative options.

In addition, they explained that a value for money test formed part of the existing tendering process and the contract is then monitored and regularly reviewed by service managers, based on the specifications of the original agreement. However, under the proposed Procurement Strategy, these reviews would be supported by a dedicated Contract Manager.

The report was noted.

GAP65 PROCUREMENT STRATEGY 2022-2026

The Assistant Director (Business and Change Management) introduced the proposed Procurement Strategy which set out the Council's vision for its procurement activity over the next four years. She highlighted the three phases of the strategy as well as the LGA toolkit which would assess the maturity levels in each of the key areas of the strategy in order for the Council to set objectives and review progress.

In response to various questions, officers said:

- A nominated Member Champion would lead on the rollout of the strategy as well as assist in the toolkit self-assessment. However, officers would still expect other Lead Members to continue to communicate with managers in their area of responsibility about the performance of contracts.

- The Procurement Strategy fell into the remit of the Lead Member for Finance, and it was suggested that they would act as the nominated Member Champion.
- If approved, officers expected the Procurement Strategy to be embedded into services within the next 12 months, subject to staff recruitment. Following the introduction of the strategy and toolkit self-assessment, officers would then be able to move forward with the second phase which aimed to support the delivery of the Council's Climate Crisis Strategy in procurement activity.
- Whilst implementation was expected to take 12 months, the strategy as a whole would be expanded, and aspirations reached, over a four-year period.
- Where appropriate, procurement activities would support local tenders such as through advising staff to use local suppliers and ringfencing some contract opportunities to the region. In the longer term, the Council aspired to go even further through publishing forward intentions to the local market and running development sessions to help local suppliers grow and prepare for upcoming bids. This would ultimately proactively grow the local economy.
- The toolkit self-assessment would be used to help implement and develop the strategy, once it has been approved by Full Council. Officers at Chelmsford City Council were expected to lead on the self-assessment and then create an action plan for the training and development of the contract management framework.
- There would be a risk-based approach to contract management, whereby officers would be trained to be good Contract Managers without a large layer of administration.

RESOLVED that the Committee recommend the Procurement Strategy for approval by the Council, as attached in Appendix A.

GAP66 UPDATE REGARDING THE COUNCIL'S POLICY AND PROCESSES FOR THE CONDUCT OF INVESTIGATIONS UNDER THE REGULATION OF INVESTIGATORY POWERS ACT 2000

The Solicitor presented an update on the work carried out to ensure that investigations carried out under the Regulation of Investigatory Powers Act 2000 complied with the requirements of the Act and Codes of Practice. She confirmed that the Council was on track to comply with the recommendations made by Inspectors at the Investigatory Powers Commissioner's Office.

In response to members questions, officers clarified the following:

- If there were specific spots within the district that attracted fly-tipping, it was within the Council's powers to install a camera and relevant signage. However, the intention was not to catch possible perpetrators, but rather to act as a deterrent for the entire population.
- Where there was an offence which could be investigated by multiple responsible authorities, the Council had arrangements in place to co-operates with them, such as through MAPPA (Multi-Agency Public Protection Arrangements).

- It was outside the scope of the legislation to instruct the Council to publish more messaging on social media to prevent fly-tipping or other such offences.

The report was noted.

GAP67

PROPOSED AMENDMENTS TO THE UTTLESFORD DISTRICT COUNCIL CONSTITUTION

The Monitoring Officer introduced a report on proposed amendments to the Council's Constitution. She explained that the report was part of a wider review of the Council's governance arrangements which she had instigated and there was a need for updated guidance, based on good practice. She confirmed that it was not essential for the amendments to be approved by the next meeting of full council, scheduled for 11th October.

In response to member questions, officers clarified the following:

- The amendments had not been brought to any committee or working group prior to this meeting as it was in the remit of the Governance, Audit and Performance committee to examine the constitution.
- The work to refresh the Constitution had been instigated by the new Monitoring Officer, based on feedback and the lack of updates for a long time.
- The amendments were part of a larger, ongoing review of the council's governance arrangements and there would be further reviews of the constitution every quarter. They confirmed that the project would be reviewing the scrutiny terms of reference next.

Whilst they welcomed the track changes which illustrated where the amendments would be made, members raised concerns with aspects of the content, including some of the use of language and they highlighted the need for more in-depth consultation, given that both members and officers would have to abide to any changes.

Members discussed a proposal to defer the report so that the amendments could be reviewed either at a special meeting of the Governance, Audit and Performance committee or through the formation of a working group. They also requested that committee chairs be consulted on the proposed roles and responsibilities within their remits and provide feedback to the next meeting of the Governance, Audit and Performance committee. Officers explained that whilst the suggestion of a more in-depth review was welcomed, they would be unable to provide the resources for this to be done over multiple meetings

Furthermore, Members hoped that there would be a process of learning included during implementation of any amendments, so that there would be an understanding of what the changes would mean to people in their roles across the Council. The Monitoring Officer agreed that some training would be set up.

The Committee agreed to defer the paper, so that a special meeting could be arranged to review the amendments, and for committee chairs to be consulted

GAP68 PROPOSED CHANGES TO THE SCHEME OF DELEGATION

The Solicitor gave a summary of the proposed changes in the Council's scheme of delegation of functions to officers. She explained that the scheme was last reviewed in May 2019 and the revisions reflected the considerable changes to personnel and responsibilities which had taken place since then, including the deletion of the Council's Director of Public Services post.

In response to member questions, officers confirmed that the Section 151 Officer could write off up to £10,000 of bad debt and this was based on an existing policy which had been agreed at Full Council 3 years prior.

In addition, they clarified that the changes only applied to senior officers and that the Post Holders would be consulted through the usual means using the standard set of employment policies and procedures.

RESOLVED that Members recommend the revised scheme of delegation for adoption by Full Council.

GAP69 LOCAL GOVERNMENT OMBUDSMAN REPORT 2021/22

The Chief Executive provided a summary of the annual review letter received from the Local Government Ombudsman summarising the complaints relating to the Council's services dealt with by the Ombudsman's office for the year ended 31 March 2022. He highlighted that the Ombudsman's office had received 19 complaints about Council services and two of these complaints were upheld with a total of £400 paid in compensation. He was keen to learn lessons from the areas where the Council was found to be at fault.

The Committee noted the contents of the Ombudsman's annual review letter and the position with regards to complaints and compliments for the year ended 31 March 2022.

GAP70 2022/23 Q1 KPI & PI PERFORMANCE REPORT

The Assistant Director (Business and Change Management) gave a presentation on the cost of living crisis; specifically focussing on the impact to the Council's income collection and the support provided for residents.

In response to member questions, officers clarified the following:

- Essex County Council had put together a leaflet for businesses and other organisations with information about help with rising energy costs. They assumed that schools, in particular, would come under the "vulnerable" category so would receive additional support from Essex County Council.
- Figures from the start of the year indicated a 22% increase in the use of food banks in the district and it was believed that these figures were now higher. Many of the users are in full-time employment.
- Employees of Uttlesford District Council and their families had access to the Employee Assistance program, and they were able to work in the Council offices to save money on energy costs.

- Staff working from home had been informed that they were able to claim tax relief to help cover additional heating and electricity costs.

The report was noted.

GAP71 EXCLUSION OF PUBLIC AND PRESS

AGREED that the public and press be excluded due to consideration of items containing exempt information within the meaning of Section 1001 and paragraphs 1,3 and 5 part 1 Schedule 12A Local Government Act 1972.

GAP72 COMPLAINT UPHeld BY THE LOCAL GOVERNMENT OMBUDSMAN

The Chief Executive introduced the report.

Members discussed details of the complaint and the actions taken by officers in response to the findings of the Local Government Ombudsman.

The report was noted.

The meeting closed at 9:25 pm.