

TEWKESBURY BOROUGH COUNCIL

**Minutes of a Meeting of the Audit and Governance Committee held at the Council
Offices, Gloucester Road, Tewkesbury on Wednesday, 15 December 2021
commencing at 2:00 pm**

Present:

Chair	Councillor V D Smith
Vice Chair	Councillor H C McLain

and Councillors:

C M Cody, P A Godwin, P D McLain, H S Munro and P E Smith

A&G.28 ANNOUNCEMENTS

28.1 The evacuation procedure, as noted on the Agenda, was advised to those present.

A&G.29 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

29.1 Apologies for absence were received from Councillor D W Gray. There were no substitutions for the meeting.

A&G.30 DECLARATIONS OF INTEREST

30.1 The Committee's attention was drawn to the Tewkesbury Borough Code of Conduct which was adopted by the Council on 26 June 2012 and took effect from 1 July 2012.

30.2 There were no declarations made on this occasion.

A&G.31 MINUTES

31.1 The Minutes of the meeting held on 15 September 2021, copies of which had been circulated, were approved as a correct record and signed by the Chair.

31.2 Councillor Cody requested that it be put on record that she did not believe today's meeting should be held in person given the latest government advice in relation to the Coronavirus pandemic and the mandate to work from home. She recognised that government legislation required decision-making Committees to be held in person but the majority of the items on the Agenda were 'to consider' and, in her view, the meeting could have been conducted virtually.

A&G.32 AUDIT AND GOVERNANCE COMMITTEE WORK PROGRAMME

32.1 Attention was drawn to the Audit and Governance Committee Work Programme, circulated at Pages No. 9-14, which Members were asked to consider.

32.2 The Head of Corporate Services explained that it had been intended to bring an Internal Audit Monitoring Report to today's meeting and, although the Internal Audit team was now being resourced, there was no significant audit conclusion work to report so this would now be taken to the meeting on 23 March 2022. He advised

that one Member of the Internal Audit team remained in the business cell until at least the end of March and an interim 12 month post had been agreed via new burdens funding.

32.3 Accordingly, it was

RESOLVED That the Audit and Governance Committee Work Programme be **NOTED**.

A&G.33 EXTERNAL AUDITOR'S PROGRESS REPORT

33.1 Attention was drawn to Grant Thornton's audit progress report and sector update, circulated at Pages No. 15- 37. Members were asked to consider the report.

33.2 The representative from Grant Thornton advised this was a high-level summary setting out the progress in relation to the annual audit cycle. The two main areas of responsibility were the financial statements audit, which had been completed at the start of November, and the value for money audit which was underway and on track to be completed in December; the National Audit Office required the value for money audit to be completed three months after giving the audit opinion on the financial statements and Members were informed it was intended to issue the annual auditor's report by the end of January 2022 and bring this to the Audit and Governance Committee in March. Page No. 19 of the report set out the various other elements of work undertaken including the certification of the housing benefit claim; whilst it was planned to meet the deadline there was a slight risk this would not be achieved so Grant Thornton had applied to the Department for Work and Pensions for an extension which was expected to be granted without any issues given the huge resourcing challenges in the audit market currently. In terms of audit fees, there was no change from previous discussions; the greater scope of work was the main driver for increasing the fee from the level experienced in recent years. Page No. 20 of the report set out the audit deliverables in terms of dates reports would be brought to Committee. It was noted that the audit plan for the forthcoming year would be brought to the Audit and Governance Committee in March. The representative from Grant Thornton went on to explain that the Financial Reporting Council had published its annual report setting out the findings of its review of the work of local auditors and she was pleased to advise there had been significant improvement in Grant Thornton's audit scores as shown in the tables at Page No. 21 of the report. Pages No. 23-37 of the report provided Members with various sector updates giving a summary of emerging national issues and developments which may impact on the Council, wider local government and the public sector as a whole.

33.3 In terms of the sector updates, a Member asked if there was any learning which would be useful for Tewkesbury Borough Council, particularly in relation to the National Audit Office report 'Local government and net zero in England' as referenced at Page No. 35. In response, the Head of Finance and Asset Management explained there was a whole host of material available in relation to net zero and climate change and, whilst he had not read this document specifically, he was sure it would be considered in due course and a decision would be made as to whether it needed to be reproduced, for instance, at the Climate Change and Flood Risk Management Group. The Head of Corporate Services advised it was down to individual Heads of Service to look at reports impacting their areas and disseminate information to Members in terms of what was practical for Tewkesbury Borough Council. He drew attention to Page No. 36 in relation to the National Audit Office good practice guide on cyber and information security; this was included as a risk within the corporate risk register and the Corporate Services and IT teams had undertaken a lot of work around it. The IT Manager would be giving a presentation to the Transform Working Group on the Council's cyber security arrangements and he suggested it might be something which could also be

brought to the Audit and Governance Committee as the body charged with governance to manage risks around cyber security. Members agreed this would be beneficial and should be added to the Agenda for the meeting in March.

- 33.4 With regard to Page No. 28 and the government response to the Redmond Review, a Member noted that the government had announced £15m to support Councils with additional costs in audit fees and she asked whether that was something Tewkesbury Borough Council had applied for. In response, the Head of Finance and Asset Management indicated that confirmation was awaited from the government as to the level of funding available for Tewkesbury Borough Council but he provided assurance it was intended to take advantage of whatever was available. In relation to the report at Page No. 32 and the announcement that Councils in England would have more freedom on how to spend money from homes sold through Right to Buy, the Member asked whether Tewkesbury Borough Council had any housing stock. The Head of Finance and Asset Management confirmed that the Council was entitled, following the transfer of its housing stock, to receipts from Severn Vale Housing from sales under Right to Buy until 2030; this was not a huge sum but averaged around £20-30,000 per year with the government taking a share and the rest going into capital reserves.

- 33.5 It was

RESOLVED That the external auditor's progress report be **NOTED**.

A&G.34 APPOINTMENT OF EXTERNAL AUDITOR

- 34.1 The report of the Head of Finance and Asset Management, circulated at Pages No. 38-44, set out the proposals for appointing the external auditors to the Council for the 2023/24 accounts and beyond. Members were asked to recommend to Council that the Public Sector Audit Appointments (PSAA) invitation to 'opt-in' to the sector-led national scheme for the appointment of external auditors for the five financial years commencing 1 April 2023 be accepted.
- 34.2 The Head of Finance and Asset Management advised that it was five years since Members had considered the appointment of an external auditor and there were three options available to the Council under the current framework: to appoint its own auditor; to act jointly with other authorities to procure an auditor; or to opt-in to the national auditor appointment scheme administered by a body designated by the Secretary of State as the 'appointing person' which was currently designated to PSAA. He explained that the obvious benefits of opting into a national scheme were the efficiencies in terms of the time and cost associated with making the appointment and, following the appointment, the ability to communicate effectively with the auditor in terms of the overall contract. This option had been strongly recommended when it had last been considered and subsequently approved by Council with Grant Thornton appointed as the auditor for Tewkesbury Borough Council. As such, it was recommended that the same route be followed in 2022 to ensure a successful appointment was made going forward for a five year period, as set out in the report.
- 34.3 A Member noted that the audit fee had increased to £20,100 and she asked for a summary of the extra work that was carried out by the external auditors. The Head of Finance and Asset Management explained that the depth and breadth of audit work which Grant Thornton and other bodies undertook had increased significantly over the last few years, for example, pension funds and valuations of property/estate, which was very different from when the scale fee had been agreed. The movement in fees over the last 10 years had been quite dramatic – the fee paid to the Audit Commission, as the Council's previous auditors, was in the region of £140,000 a year which was significantly more than the current scale fee of £35,000. This clearly impacted on the audit sector hence the recommendation for greater

funding in order to deliver the audit work required and give the public assurance on local authority accounts. The representative from Grant Thornton advised that Tewkesbury Borough Council's audit had previously taken around three to four weeks but this year had taken eight to nine weeks; the onus on the external auditors had increased which required additional work in terms of added scrutiny and challenge to interrogate the figures. Having gone down in recent years, it was likely the trend would now be that fees would increase again. The Head of Finance and Asset Management noted that the Audit and Governance Committee had approved the Statement of Accounts at its last meeting and Tewkesbury Borough Council had been very lucky to have the support of Grant Thornton to get the accounts agreed by September – something only 9% of local authorities had achieved due to the amount and complexity of the work which now had to be done as well as the impact of COVID-19 on working practices etc.

- 34.4 A Member noted that the Council was one of the 98% of eligible bodies which had opted-in to the national scheme in 2018 and this had meant the fee had stayed as low as possible so she felt it was the right thing to do. A Member asked what the likelihood was that Grant Thornton would be appointed as Tewkesbury Borough Council's external auditor going forward and the Head of Finance and Asset Management confirmed that Officers had a good working relationship with Grant Thornton which he would be delighted to continue but, at this stage, it was not known if Grant Thornton would be making a bid for local authority work; if a bid was made by Grant Thornton, there were benefits of continuity but there were also contrary arguments in favour of having a fresh set of eyes etc - ultimately, PSAA would consider what the right appointment was for the authority. Another Member asked if there was a chance to look at a joint appointment with other local authorities and was informed that joint appointments tended not to happen as only 2% of local authorities chose not to opt-in to the national scheme so there was not much opportunity for collaboration. The Head of Finance and Asset Management had spoken to the Chief Finance Officers within Gloucestershire and they were all of the opinion that they would opt-in to the PSAA led scheme on the basis of efficiencies and value for money in the long run so there would be no option to work with another authority locally. The representative from Grant Thornton advised that, in the previous round of appointments, a number of local authorities in the South West had formed a group but the nature of those authorities meant they were intrinsically linked; this was the only group she was aware of and it had not made much of an impact.

- 34.5 Having considered the information, it was

RESOLVED That it be **RECOMMENDED TO COUNCIL** that the Public Sector Audit Appointments (PSAA) invitation to opt-in to the sector-led national scheme for the appointment of external auditors for the five financial years commencing 1 April 2023 be accepted.

A&G.35 COUNTER FRAUD AND ENFORCEMENT UNIT UPDATE

- 35.1 Attention was drawn to the report of the Counter Fraud and Enforcement Unit Head of Service, circulated at Pages No. 45-50, which provided assurance over the counter fraud activities of the Council. Members were asked to consider the update on the work of the Counter Fraud and Enforcement Unit.
- 35.2 The Counter Fraud and Enforcement Unit Head of Service advised that the Counter Fraud Unit had recently undergone a service review and had subsequently been renamed as the Counter Fraud and Enforcement Unit which reflected the nature of the work that would be carried out going forward. Members were informed that the Unit had been supporting workstreams created as a consequence of the COVID-19 pandemic, most significantly in relation to business grants schemes. Paragraph 2.2 of the report provided the outcomes of the Cabinet Office's National Fraud Initiative

data-matching exercise. 14 matches had been made in relation to the original business support grants scheme paid during the first lockdown which were currently being reviewed and data matches for the subsequent schemes introduced by the government would start to arrive in April 2021 – this was a significant piece of work as there would be anomalies relating to national data set matching. The deadline for the review of these matches was 31 December 2022. In terms of the matches relating to single person discounts, 310 accounts had been identified as requiring further enquiries to be made with liable parties. Responses would be referred to the Revenues and Benefits team for action where required. Members were informed that work on the Council Tax Reduction Scheme was ongoing. It was noted that the Department for Work and Pensions was beginning to return to more normal working conditions within Gloucestershire and an uplift in joint cases was anticipated - reports indicated increased fraud and error within Universal Credit which would lead to a greater number of cases to review in 2022.

35.3 With regard to Page No. 47, Paragraph 2.1 of the report, a Member noted there had been seven referrals of which one was eligible, two cases of loss prevention had been referred back to the team, one ineligible claim was being pursued and three cases were under review. She sought an explanation as to what this meant and asked for further details to be provided. The Counter Fraud and Enforcement Unit Head of Service advised that it was difficult to provide details of specific cases without revealing how fraud was committed but she could circulate some general information on trends. The most common theme was false declaration, for instance, feigning that a business was being run from a unit which was vacant and unoccupied. Loss prevention would be when the Counter Fraud and Enforcement Unit had prevented money being paid incorrectly, for instance, if the business grants team had intended to pay someone a grant but the Unit had instructed that the money should not be paid following additional checks. With regard to Paragraph 2.2 of the report, the Member asked whether the aim of the data matching scheme was to reclaim money and how many people were working on that. The Counter Fraud and Enforcement Unit Head of Service explained that local authorities sent data from various services, such as Revenues and Benefits and Elections, to the Cabinet Office to see if there were any anomalies. The route that would be taken would depend on what the match related to, for example, if it was a single person discount then Council Tax penalties could be applied whereas if it was the Council Tax Reduction Scheme it would become an investigatory case for the Counter Fraud and Enforcement Unit and fines or prosecution were both options which were available in that instance. Paragraph 2.5 of the report set out that £15,283 additional Council Tax revenue had been raised as a result of the investigation of alleged fraud in relation to the Council Tax Reduction Scheme.

35.4 The Chair thanked the Counter Fraud and Enforcement Unit Head of Service for her report and it was

RESOLVED That the Counter Fraud and Enforcement Unit update be
NOTED.

A&G.36 CORPORATE RISK REGISTER

36.1 The report of the Head of Corporate Services, circulated at Pages No. 51-73, asked Members to consider the risks contained within the corporate risk register and assurance that the risks were being effectively managed.

36.2 The Head of Corporate Services indicated that little had changed in terms of strategic risks since the last report to the Committee in September but the key updates were set out at Page No. 53, Paragraph 3.1 of the report. Three areas were awaiting decisions: Ref. 1 - Financial Sustainability - the Head of Finance and Asset Management was hoping to receive confirmation of the government settlement the following day and that would be used to inform the budget and

Medium Term Financial Statement moving forward; Ref. 13 – Ashchurch Bridge Project – the outcome of the judicial review was still awaited; and Ref. 17 – Waste Transfer Station – this was due to be considered by Gloucestershire County Council's Planning Committee in January 2022.

- 36.3 With regard to Appendix 1, the Member noted there were several amber and red risks within the register and she asked what the expectation was in terms of Members when considering the report. The Head of Corporate Services explained that the Audit and Governance Committee had a responsibility to challenge that risk was being managed and improvements being made. In response, the Member noted that the lack of a five year housing land supply had not been included in the register and she perceived this to be a risk as it made the borough more vulnerable to developers winning appeals. The Head of Corporate Services undertook to raise this with Management Team which reviewed the corporate risk register on a regular basis. A Member questioned whether Development Management itself should be included as part of the risk as there were a number of vacancies and difficulties being experienced within the service currently. The Borough Solicitor confirmed that Management Team would think about the general impact of the planning service and whether it should be highlighted as a risk.
- 36.4 With regard to Ref. 3 – ICT network, a Member recognised there were huge threats to the security of the Council's systems which was reflected in the decision to create a new post within the ICT team with specific cyber responsibilities and she asked when this would be recruited to. The Head of Corporate Services advised that a Network Officer had recently left the authority and that role had been re-scoped. Management Team had recently approved the request to fill so the role would be advertised shortly. Another Member drew attention to Pages No. 70-71 of the report and Ref. 15 in relation to climate change and asked whether the appointment of the Carbon Reduction Programme Officer should be included under mitigating controls. The Head of Finance and Asset Management confirmed that an appointment had now been made and the Officer would be starting in March; there were a lot of other challenges in terms of funding and delivery but a full-time resource was a step forward so the current risk score could probably be updated and the mitigating controls amended to reflect that.
- 36.5 With regard to Ref. 13 – Ashchurch Bridge, a Member noted that the project had a time limit of March 2022 for funding drawdown but that had been formally amended and she asked for clarification as to what it would mean if the judicial review was lost, for instance, did the money have to be given back, would the Garden Town not go ahead. In response, the Borough Solicitor explained that if the judicial review was lost it meant that planning permission would be quashed and it would be for the Council to redetermine the application. The successful renegotiation of the deadline for funding drawdown showed there was a willingness from Homes England to allow the project to proceed and there had been no indication that any funds would have to be paid back. The Member drew attention to Ref. 6 – ineffective emergency planning - and raised concern that it was very focused on flooding when emergency planning covered a whole host of other things, for instance, the recent gas leak in Cheltenham – she noted that some emergency planning items, such as the pandemic, had their own headings within the risk register and she asked for some clarity on this. The Head of Community Services indicated that emergency planning was something which was done really well in Tewkesbury Borough, and Gloucestershire as a whole, as evidenced by the strong relationship with the Local Resilience Forum. Emergency planning had been included as a cover all when the risk register was established and it felt that risks were well-mitigated so this could potentially be removed with any remaining risks being picked up separately.

36.6 In relation to Ref. 17 – waste transfer station at Wingmoor Farm, a Member noted that a mitigating control was to seek to influence Gloucestershire County Council's Planning Committee and she asked if the Audit and Governance Committee was happy with that given Tewkesbury Borough Council's own Planning Committee had raised an objection to the proposal. The Borough Solicitor clarified that Tewkesbury Borough Council's Planning Committee was a consultee in respect of the Gloucestershire County Council application as the site was within Tewkesbury Borough and the Planning Committee had raised an objection on the grounds of nuisance from odour in particular; however, this did not prevent the Council, in another guise, requesting that the application be permitted for the sake of its waste service. The Head of Community Services explained that refusal of the planning application was the greatest risk to the Council at this point in terms of impact, not just in respect of the financial implications but also with regard to carbon reduction ambitions as waste vehicles would be required to travel to and from Javelin Park. The mitigation proposed, i.e. to influence Gloucestershire County Council's Planning Committee, was the only option available to the authority and, should the application be refused, Tewkesbury Borough Council would be in a very difficult position in relation to its waste service. The Member indicated that odour from Wingmoor Farm was a significant issue for local residents and she understood from discussions that more could potentially be done to address that so she asked if Officers would be willing to raise this with the County Council. The Head of Community Services clarified that the planning application was in relation to the waste transfer station, not the facilities at Wingmoor Farm, so this particular application would have no impact in terms of the environment for local residents.

36.7 Having considered the information provided, it was

RESOLVED That the risks and mitigating controls within the corporate risk register be **NOTED**.

A&G.37 ANNUAL SAFEGUARDING UPDATE

37.1 Attention was drawn to the report of the Head of Community Services, circulated at Pages No. 74-82, which provided the annual report to give assurance that Tewkesbury Borough Council was fulfilling its safeguarding duties. Members were asked to consider the report and to note the Section 11 self-assessment submission to the Assurance Panel, attached at Appendix 1 to the report.

37.2 The Head of Community Services advised that the Section 11 process was a statutory requirement and an integral part of the self-assessment which focused on four areas: leadership and accountability; staff safe recruitment, induction, training and development; safeguarding policies and procedures; and listening to children and young people. He had attended the Assurance Panel on 16 November 2021 where he had been questioned in relation to the content of Tewkesbury Borough Council's submission and was pleased to report that no issues had been identified. He drew attention to Page No. 76, Paragraph 4 of the report which set out that 14 safeguarding cases had been raised internally during the year 1 April 2020-31 March 2021 of which two needed to be referred to social care, two had been dealt with in partnership with the neighbourhood policing team, two multi-agency meetings had been called by the Council in light of the concerns raised and four cases had become ongoing child protection cases which had been attended by a member of staff to advise from Tewkesbury Borough Council's perspective. The 14 cases raised came from a good cross-section of Council departments which demonstrated that Officers had a good understanding of their safeguarding responsibilities.

37.3 A Member recognised that a lot of the areas covered by the Section 11 self-assessment were outside of the remit of the Borough Council but he was pleased to note that cases were being referred by Officers when safeguarding concerns came to light. He indicated that he would like to see the information that had been sent to the Assurance Panel if possible and, in response, the Head of Community Services confirmed that was as set out at Appendix 1 to the report; whilst the Local Safeguarding Partnership did not discuss individual cases, he was able to gain insight and an overall feeling for how things were going and he would be happy to have a conversation with the Member outside of the meeting if he had any specific questions. Another Member expressed the view that it would be useful to have an idea of the safeguarding issues that had been raised and the sort of things that came up in general terms. The Head of Community Services expressed concern that, due to the small number of people involved, any detail could make them easily identifiable; nevertheless, he would discuss this further with Management Team to see if it was possible to provide some general case studies setting out how the matter had come to light and what the outcome was etc. A Member expressed the view that this was important from a learning point of view as it could help to identify warning signs.

37.4 It was

RESOLVED That the annual safeguarding update and the Section 11 self-assessment submission to the Assurance Panel, attached at Appendix 1 to the report, be **NOTED**.

A&G.38 DISCRETIONARY HOUSING PAYMENTS FOLLOW-UP

38.1 The report of the Head of Corporate Services, circulated at Pages No. 83-87, provided Members with an update on the progress made against implementation of the audit recommendations in relation to Discretionary Housing Payments. Members were asked to consider the report.

38.2 The Revenues and Benefits Manager advised that Discretionary Housing Payments provided financial help with housing costs for residents in receipt of housing benefit or the housing element of Universal Credit. She had requested that the Internal Audit team look at Discretionary Housing Payments to ensure they were being awarded consistently and only to those who had demonstrated a real need. The audit had been undertaken in February 2020 and resulted in an unsatisfactory audit opinion and a set of recommended actions. Unfortunately, due to the COVID-19 pandemic and the impact on the Revenues and Benefits team, not as much progress had been made as she would have liked since that time. Notwithstanding this, Page No. 85, Paragraph 2.1 of the report set out that recommendation 1 – development of a checklist to support the collection and assessment of Discretionary Housing Payments information and recommendation 2 – review the inclusion of non-essential items as part of the scheduled review of the Discretionary Housing Payments Policy had both been fully completed to the satisfaction of the Internal Audit team and the revised policy was due to be considered by the Executive Committee in February 2022. With regard to recommendation 3 – consideration to be given to the introduction of performance reporting in respect of Discretionary Housing Payments, although initial discussions had taken place with the Lead Member for Finance and Asset Management, a suite of performance indicators were yet to be agreed. Due to the impact of COVID-19 and capacity within the team, recommendation 4 – carry out an independent verification check on a sample of Discretionary Housing Payments, was still in progress. As set out at Paragraph 3.2 of the report, a revised implementation date of April 2022 had been agreed for the two outstanding actions.

38.3 A Member noted that the Executive Committee had agreed to top-up the Discretionary Housing Payments budget with an additional £40,000 of Council reserves in January 2020 and he asked whether there were plans to request more funds. The Revenues and Benefits Manager explained that had been a particular request to fund additional Discretionary Housing Payments from the Council's own resources and it had not been necessary to make any further requests since that time. The Council's annual allocation was £78,000, of which approximately £17,000 had been spent to date; this was partly due to the implementation of the audit recommendations which meant that the payments were not as generous as they may have been in the past. The Department for Work and Pensions would reassess the budget at the end of the financial year and, whilst it would hopefully still be a good amount, there was a risk that it would be significantly reduced based on the lower expenditure. With regard to recommendation 2 and the re-assessment of non-essential items, a Member noted that some of the examples given, for instance, newspapers and magazines, were quite outdated and he asked whether television subscriptions, such as Netflix, would fall under that definition. In response, the Revenues and Benefits Manger explained this was something which needed to be teased out in the revised policy as what was discretionary to some was essential to others and it could be tricky to navigate when it came to items which affected access such as mobile telephone and internet contracts. The current policy took a broad stance whereby each case was assessed on its own merits so there were elements of subjectivity within that. The Member raised concern that this was putting Officers in a difficult position and he felt it would be beneficial to have clear guidance on what would be considered essential. The Revenues and Benefits Manager indicated that it would be helpful to have a Member steer on this when the policy came forward.

38.4 It was

RESOLVED That the progress made against implementation of the audit recommendations in relation to Discretionary Housing Payments be **NOTED**.

A&G.39 STATUS OF INTERNAL AUDIT RECOMMENDATIONS

39.1 The report of the Head of Corporate Services, circulated at Pages No. 88-109, provided Members with an update on the status of internal audit recommendations that had been agreed pre-pandemic. Members were asked to consider the report.

39.2 The Head of Corporate Services explained that one member of the Internal Audit team had now returned to an internal audit role following redeployment to support the Council's response to COVID-19 and their first task was to assess the internal audit recommendations to establish whether they had been implemented to ensure it was clear what needed to be followed-up moving forward. A summary was included at Appendix 1 to the report and set out that 16 recommendations had been implemented, 29 were in progress or yet to be implemented and 10 had been mitigated. Revised target dates had been agreed with services in relation to all outstanding audit recommendations and those which had been implemented would be followed-up on a quarterly basis as part of the Internal Audit Monitoring Report. It was noted that the national picture with regard to the pandemic was changing again so it was possible the Council would need to move back to response mode which may mean the target dates were not achieved; if that was the case, the Committee could request that Officers attend a future meeting to give a more detailed explanation.

39.3 A Member raised concern that the audit in relation to the Community Infrastructure Levy had identified that governance for administration and spending of income should be agreed as a matter of urgency and the expected implementation date had changed from September 2020 to March 2023 which was a significant leap so she asked if there was any way it could be brought forward. In response, the Head of Corporate Services indicated that he had spoken with the Head of Development Services who had agreed the revised target date; notwithstanding this, he believed there was an action around this in the Annual Governance Statement so he would look into this following the meeting.

39.4 It was

RESOLVED That the status of the internal audit recommendations be **NOTED**.

A&G.40 DATA PROTECTION OFFICER ANNUAL REPORT

40.1 The report of the Head of Corporate Services, circulated at Pages No. 110-120, provided Members with an annual report on the actions undertaken during the year to ensue broad compliance with the General Data Protection Regulation (GDPR). Members were asked to consider the report and the action plan, attached at Appendix 1.

40.2 Members were informed that the Internal Audit and GDPR Officer was responsible for overseeing compliance with the GDPR framework. Page No. 112, Paragraph 2.1 of the report gave a summary of the key actions that had been undertaken during the year which included a lot of work around staff communications, particularly in terms of preventing and reporting data breaches - it was noted there had been 20 recorded breaches during the year of which 19 were categorised as low risk and one as medium risk. In addition, an e-learning platform had been rolled out to staff and would be extended to Members in the New Year and staff had received training on the importance of retention and redaction of information. A lot of support had been required for new and emerging projects that needed a Data Protection Impact Assessment, for example, COVID-19 grant support schemes, digital recruitment, High Street Heritage Action Zone, HR self-service, Land Registry migration, new digital platform and paperless billing. The Business Transformation team had developed a management system for logging and responding to data requests, including Subject Access Requests which allowed residents to request a copy of the personal information the Council held about them and check that it was being lawfully processed – data requests had been increasing in number with 64 received over the last year. Page No. 113, Paragraph 3.1 of the report outlined the key actions moving forward which would be supporting the implementation of the new website project; implementation of an information classification project; undertaking a review of key policies such as the overarching Data Protection Policy and providing support to ICT related policies e.g. cyber security; and, for the internal audit team to assess whether lessons learnt with regard to breaches were implemented and test that data was being retained in accordance with the corporate retention policy.

40.3 The Borough Solicitor explained that ensuring compliance with data protection requirements was a continuous process and having a single point of contact through the Internal Audit and GDPR Officer had been invaluable in securing and monitoring the Council's development and compliance. Tewkesbury Borough Council's record of breaches was low and none had been categorised as high risk but it was important to ensure that the arrangements were kept under review and

that the action plan was delivered in order to ensure continued compliance. In her view the action plan was robust and she was confident that the Council was doing the very best it could.

40.4 A Member recognised the importance of complying with GDPR; however, it could be quite a hinderance and she noted that Page No. 116 of the action plan included an initiative to introduce time limits on inboxes – she asked whether this would also apply to Members as this could be a problem in terms of case work which took a long time to resolve. In response, the Borough Solicitor indicated that it was a careful balancing act between retaining data in order to give the best responses possible whilst also protecting people’s data. It may seem counterintuitive to delete emails which may be needed in the future but preventing a potential data breach far outweighed the inconvenience of having to request that information again as and when it was needed.

40.5 It was

RESOLVED

That the annual report on the actions undertaken during the year to ensure broad compliance with the General Data Protection Regulation, and the action plan attached at Appendix 1 to the report to further improve the Council’s arrangements, be **NOTED.**

The meeting closed at 3:18 pm