

Standards and Audit Committee

Tuesday 23 July 2019 at 7.30pm

**Council Chamber
Runnymede Civic Centre, Addlestone**

Members of the Committee

Councillors M Nuti (Chairman), J Sohi (Vice-Chairman), M Adams, D Anderson-Bassey, B Clarke, M Cressey, S Dennett, R Edis, M Harnden and J Wilson.

In accordance with Standing Order 29.2 any non-member of the Committee who is considering attending the meeting should first request the permission of the Chairman.

A G E N D A

Notes:

- i) Any report on the Agenda involving confidential information (as defined by section 100A(3) of the Local Government Act 1972) must be discussed in private. Any report involving exempt information (as defined by section 100I of the Local Government Act 1972), whether it appears in Part 1 or Part 2 below, may be discussed in private but only if the Committee so resolves.
- ii) The relevant "background papers" are listed after each report in Part 1. Enquiries about any of the Agenda reports and background papers should be directed in the first instance to **Miss C Pinnock, Democratic Services, Law and Governance Business Centre, Civic Centre, Station Road, Addlestone (Tel: Direct Line: 01932 425627) (email: clare.pinnock@runnymede.gov.uk)**.
- iii) Agendas and Minutes are available on a subscription basis. For details, please ring Mr B A Fleckney on 01932 425620. Agendas and Minutes for all the Council's Committees may also be viewed on www.runnymede.gov.uk.
- iv) In the unlikely event of an alarm sounding, members of the public should leave the building immediately, either using the staircase leading from the public gallery or following other instructions as appropriate.
- v) **Filming, Audio-Recording, Photography, Tweeting and Blogging of Meetings**

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please liaise with the Council Officer listed on the front of the Agenda prior to the start of the meeting so that the Chairman is aware and those attending the meeting can be made aware of any filming taking place.

Filming should be limited to the formal meeting area and not extend to those in the public seating area.

The Chairman will make the final decision on all matters of dispute in regard to the use of social media, audio-recording, photography and filming in the Committee meeting.

LIST OF MATTERS FOR CONSIDERATION

PART I

Matters in respect of which reports have been made available for public inspection

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PART II

Matters involving Exempt or Confidential Information in respect of which reports have not been made available for public inspection.

a) Exempt Items

(No items to be considered under this heading)

b) Confidential Items

(No items to be considered under this heading)

1. FIRE PRECAUTIONS

The Chairman will read the Fire Precautions, which set out the procedures to be followed in the event of fire or other emergency.

2. NOTIFICATION OF CHANGES TO COMMITTEE MEMBERSHIP

3. MINUTES

To confirm and sign the Minutes of the Meeting held on Thursday 30 May 2019, which were circulated to all Members by email in July 2019 and those of the Sub-Committee held on 1 July 2019, as attached at Appendix 'A'.

Runnymede Borough CouncilSTANDARDS (HEARINGS) SUB-COMMITTEE1 July 2019 at 6.30pm

Members of the Committee Present: Councillors M G Nuti (Chairman), B Clarke, E Gill, S Dennett and J Olorenshaw and Mr M Litvak (Independent person, non-voting role)

The meeting was also attended by Mr R Lingard, External Independent Investigating Officer, Mr M A Leo, Monitoring Officer, and Councillors S Mackay and M Kusneraitis.

FIRE PRECAUTIONS

The procedures to be followed in the event of fire or other emergency were noted.

COMPLAINT AGAINST A MEMBER OF RUNNYMEDE BOROUGH COUNCIL

The parties present at the meeting were introduced to each other and the procedure for the meeting duly noted, including the preliminary steps taken by the Monitoring Officer to resolve the complaint informally in consultation with one of the Council's Independent persons. There being no questions regarding the procedure, the Independent Investigating Officer was invited to present his report.

The Sub-Committee confirmed that they had read the Investigating Officer's report and that they had also received a copy of a statement submitted by Councillor Mackay in his defence. This had been emailed by one of Mario's staff in Democratic Services to the panel, at Councillor Mackay's request that morning and Councillor Mackay had also tabled the statement and emailed it himself to the panel a few days previously.

The Investigating Officer presented his report, highlighting firstly the scope of the investigation being confined to an email sent by Councillor S Mackay on 11 October 2018 to a number of people regarding the behaviour and conduct of Councillor N Prescott in respect of a former Councillor. The fact that it had been sent to a number of people including Officers had confirmed to the Investigating Officer that Councillor Mackay was acting in his capacity as a Councillor and therefore the Code of Conduct was engaged. Secondly, Mr Lingard set out his conclusions regarding the case.

The Investigating Officer had contacted both parties and offered both the opportunity to meet with him to discuss the case. He reported that Councillor Mackay had not until the latter stages engaged with him by commenting on his draft report but he had met with Councillor Prescott who had not made any comments on his draft report. The Investigating Officer referred the Sub-Committee to section 8 of his report concerning the written comments that Councillor Mackay had made on his report and confirming that as a result of these he had also invited the Chief Executive to comment regarding the suspension and re-instatement of a former Councillor at the instructions of Councillor Prescott. The Investigating Officer confirmed that his focus had been not on the actions of Councillor Prescott but on Councillor Mackay's and that his comments had not caused him to change his initial findings.

The Investigating Officer considered that Councillor Prescott had not lied, which was what Councillor Mackay had asserted, but that in relation to the former Councillor he

had made a decision to suspend her based on information he thought was reliable at the time but which later he found not to be.

The Investigating Officer stated that Councillor Prescott had made a full written apology to the Councillor in question in June 2018 and Councillor Mackay had made the letter public on Social Media in October 2018. The former Councillor had stated in an article on 'Get Surrey' 18 October 2018 that she considered the matter closed. Therefore, the Investigating Officer concluded that Councillor Mackay was attempting to re-ignite the subject.

The Investigating Officer concluded that there was evidence that there had been breaches of paragraph 3 (1), paragraph 3 (2) (b) and paragraph 3 (2) (e) of the Runnymede Member Code of Conduct concerning treating others with respect, bullying of persons and bringing the office of a Councillor into disrepute.

The Chairman thanked the Investigating Officer for his report and invited questions of him from the panel.

The Investigating Officer was asked to clarify what he had said about the status of personal emails. He replied that a personal email assumes a form of privacy but that Councillor Mackay's distribution of the email had been wider.

Councillor Mackay was then asked to present his case. Councillor Mackay directed the Sub-Committee to the crest displayed in the Council Chamber and the Council's motto 'in freedom we serve.'

Councillor Mackay stated that his case rested on the actions of Councillor Prescott to which his email had referred and which was the subject of the complaint. Councillor Mackay sought to demonstrate that Councillor Prescott had been in full knowledge of the facts which he later referred to as unreliable when he had carried out the actions he had towards the former Councillor.

He also sought to demonstrate that his email had been sent in a personal capacity to a number of persons and that the Code of Conduct was therefore not engaged. Councillor Mackay referred the Sub-Committee to Appendix 2 of the Investigating Officer's report. The email had been sent from his personal account not his Councillor account and he said that it was not sent on Council business and was addressed to other people's personal accounts rather than their Councillor emails. He had signed the email with his name and not prefixed it with 'Councillor'. Councillor Mackay suggested that if this was considered to be an email caught by the Code the same would apply to a number of other Councillors who used their personal email accounts for Council business. He repeated that he was not acting as a Councillor but was trying to galvanise colleagues and former colleagues into supporting his view that Councillor Prescott's behaviour towards a former Councillor was not acceptable.

Councillor Mackay was asked not to read the full statement provided by the former Councillor but to pick out the salient points. Councillor Mackay would have preferred to read the whole statement but agreed to summarise the main points. He stated that the former Councillor did not regard the matter as closed and that her statement made that clear. He also asserted that he did have the evidence to prove his case but that it lay in the Statement he wished to read and that the Investigating Officer's assessment had been wrong. He felt that Councillor Prescott's version of events had been taken without being checked and that his ability to comment had been limited. The Sub-Committee confirmed that they had read the statement.

The Monitoring Officer advised that Cllr Prescott's actions were not the subject of the Hearing and had been dealt with elsewhere. Councillor Kusneraitis reminded the Sub-Committee that the Conservative Association had upheld the complaint made by the former Councillor about Councillor Prescott. He referred the Committee to the email sent by the Chief Executive seeking Councillor Prescott's authority to take the actions he did and meetings of the Conservative Group discussing the matter. Councillor Mackay and Councillor Kusneraitis also made reference to their understanding of rules which governed the operation of a political group.

The Monitoring Officer repeated that this was an internal matter dealt with by the political group in question and not the subject of the Hearing nor within the jurisdiction of the Council's policies and procedures.

Councillor Mackay and Councillor Kusneraitis also expressed their opinions as to why certain events had occurred. Therefore, it was Councillor Mackay's belief that the views expressed in his email were legitimate issues which he was entitled to draw to the attention of people and the Sub-Committee in his defence.

Councillor Mackay acknowledged that he had used his personal email account on occasions for Council business but that most Councillors did. However, he re-asserted on this occasion he had raised his concerns as a resident and was acting as a resident.

The Monitoring Officer drew Councillor Mackay's attention to paragraphs in his email which indicated that he was acting on Council business which had led the Investigating Officer to the conclusions he had drawn.

The Independent Person advising the Sub-Committee asked Councillor Mackay why he had not responded to the Investigating Officer's invitation to meet prior to submitting comments on the draft report. Councillor Mackay explained that he had not responded to the Investigating Officer when initially approached because he had been seriously unwell and had sought to distance himself from situations which would exacerbate his illness. Councillor Kusneraitis confirmed that this was the case and the Independent Person thanked him for clarifying Councillor Mackay's position.

The Investigating Officer confirmed that he first sought to interview Councillor Mackay by email on 5 January 2019, reminded him on 23 January, advising that he would be on holiday until mid-February. The draft report was sent to Councillors Mackay and Prescott on 4 March 2019 and Councillor Mackay submitted his comments on 14 March 2019.

Each party was asked whether they wished to add any further points.

The Investigating Officer re-affirmed his conclusions with regard to his findings.

There followed a discussion as to whether the Code of Conduct was engaged or not in the minds of the Sub-Committee and if not then the other potential breaches of the code would fall. Councillor Kusneraitis referred to another case of a similar nature but was advised that each case would be treated on its merits.

Councillor Kusneraitis sought to make the point that people should be able to use their personal email accounts without fear of retribution which is what he considered was happening in this case.

The Chairman assured Councillor Kusneraitis that the first item the Sub-Committee would determine was if Councillor Mackay was acting in his personal capacity while using his personal email account or whether the email was deemed to be a council related email.

Councillor Mackay was invited to make a closing statement. He re-affirmed his previous statements, concluding that he had demonstrated his case sufficiently with regard to Councillor Prescott's actions and felt he was being penalised for speaking the truth. Councillor Kusneraitis also supported Councillor Mackay's sentiments. The Monitoring Officer restated that the Sub-Committee's role was to consider Councillor Mackay's actions and not Councillor Prescott's and in the context of the Code of Conduct.

The Standards (Hearings) Sub-Committee retired to consider the matter at 7.20pm and had regard to advice from the Independent Person during the course of their deliberations.

The meeting reconvened at 8.12pm.

The decision of the Sub-Committee was unanimous, as set out below and conveyed in person to those present:

"The panel would wish to make clear at the outset that its role in this matter is to consider the actions and behaviour of Councillor Mackay. Whilst Councillor Mackay may argue that it should consider the actions of another person that is not its role.

The issues surrounding a former Councillor were not matters the panel had any jurisdiction over. Those matters had been dealt with and determined by a political group/political party. If Councillor Mackay was not satisfied with that outcome he should take the matter up with the political group/political party in question.

The role of the panel is to consider whether the actions of Councillor Mackay and the content of the email he had sent breached the provisions of the Runnymede Member Code of Conduct and the standards of behaviour expected of an elected Runnymede Councillor.

The preliminary issue the panel had to consider was whether when the email was sent Councillor Mackay was acting in his capacity as an elected Runnymede Councillor and therefore the Runnymede Member Code of Conduct was engaged.

The panel noted the claim made by Councillor Mackay's that because the email had been sent from a personal email account and signed without reference to his position as an elected Councillor it was his opinion he was not acting as an elected Runnymede Councillor.

The panel formed the view that Councillor Mackay had been acting in his capacity as an elected Runnymede Councillor and the Runnymede Member Code of Conduct was engaged when the email was sent. This conclusion was reached on the following basis. Councillor Mackay accepted that on occasions he had used his personal email account to conduct Council business. When the panel considered the list of persons to whom the email had been sent it included Council officers and a large number of Councillors. The email had not been restricted to persons who were personal friends of Councillor Mackay or who had no connection with the Council. The material contained in the email referred to the Council and events which had taken place concerning it. Councillor Mackay also stated in the email he would be

attending a meeting of the Full Council and that he would be advising Council officers of how many members of the public would be attending the meeting to ask questions. Councillor Mackay also included a request in the email to a named Council officer that they consider whether a criminal offence had been committed. It was the view of the panel that when looking at the email in its entirety it was reasonable to reach the conclusion it had.

After having considered the report of the Investigating Officer, considered the comments made by Councillor Mackay and received advice from the Independent Person the panel concluded that Councillor Mackay had breached the Runnymede Member Code of Conduct in two respects with regard to the email he had sent on the 11th October 2018, namely:

- (i) the whole tone of the email was intemperate and disrespectful and breached the General Obligation contained in paragraph 3 (1) of the Runnymede Member Code of Conduct to treat others with respect.
- (ii) that behaviour of Cllr S Mackay in writing an email in the terms he did breached the General Obligation contained in paragraph 3 (2) (e) of the Runnymede Member Code of Conduct to not conduct himself in a manner that could reasonably be regarded as bringing his office into disrepute

In relation to the third potential breach of the Runnymede Member Code of Conduct identified by the Investigating Officer, a breach of paragraph 3 (2) (b), the panel felt that on balance that breach had not been established.

The Localism Act 2011 which introduced the current regime for governing the conduct of elected Members does not set out any specific powers for local authorities to impose sanctions for a breach of the Member Code of Conduct. Any sanctions must comprise actions which are within the powers of the local authority to impose. Currently the following sanctions can be imposed by the panel if a Member is found to have breached the Member Code of Conduct:

1. Publish its findings in respect of the Member's conduct;
2. Report its findings to Council for information;
3. Recommend to the Member's Group Leader (or in the case of un-grouped Members, recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council;
4. Instruct the Monitoring Officer to arrange training for the Member;
5. Recommend that the Member be removed from all outside appointments to which he/she has been appointed or nominated by the Council;
6. Withdraw facilities provided to the Member by the Council, such as a computer, website and/or email and Internet access; or
7. Exclude the Member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.

In some instances, where the Standards (Hearings) Sub-Committee conclude it is appropriate, the identity of an elected Councillor who is the subject of a complaint may be withheld.

The Standards (Hearings) Sub-Committee concluded that whilst it takes a dim view of any breach of the Runnymede Member Code of Conduct any sanction must be proportionate to the breach. This was a case where an elected Councillor had failed to exercise the appropriate standards when sending an email. The breaches were a

failure to show appropriate respect for another person and bringing their office into disrepute.

Whilst the panel noted that Councillor Mackay may have felt strongly about certain matters this was not a justification for failing to meet the appropriate standard of behaviour expected of an elected Councillor.”

Councillor Mackay was invited to comment and asked to be reminded of the options with regard to possible sanctions which the Monitoring Officer duly did. It was confirmed that the decision of the Sub-Committee could not be referred to the Overview and Scrutiny Select Committee. It was also re-iterated that the matter of changing the membership of a Committee or removal of a Councillor from office was for each political group to decide.

Councillor Kusneraitis, as the Group Leader of the Runnymede Residents’ and Community, opted to accept the proposed sanctions which were set in the resolution of the meeting. However, he requested confirmation that the Sub-Committee was sanctioning just the way in which Councillor Mackay acted. Not that he was wrong. The Monitoring Officer stated that the Sub-Committee was not making any form of judgement about Councillor Prescott’s actions.

Councillor Mackay restated that he had told the truth and thanked the Sub-Committee.

Councillor Kusneraitis sought clarification over when emails could be treated as Council business when sent from a personal account, he made reference to another elected Member’s emails as an example and also stated that all Councillors should be reminded not to use their personal account for Council business. The Monitoring Officer advised that each example, if produced for consideration, would be treated on its merits. Councillor Kusneraitis also commented that it would be setting a bad precedent if people could not be ‘called out’ for lying, to which the Chairman advised him that their role was not to make a decision with regard to that matter and he concluded the meeting by thanking all those present for their attendance.

“The Standards (Hearings) Sub-Committee

RESOLVED that:

1. That given its consideration of this matter took place in public it would be an appropriate case where the identity of the elected Councillor involved should be made public.
2. The Member Code of Conduct had been engaged in relation to the email which had given rise to the complaint about Councillor Mackay.
3. There had been two breaches of the Member Code of Conduct by Councillor Mackay in respect of the email, namely:
 - i) the whole tone of the email was intemperate and disrespectful and breached the General Obligation contained in paragraph 3 (1) of the Runnymede Member Code of Conduct to treat others with respect.
 - ii) that behaviour of Councillor Mackay in writing an email in the terms he did breached the General Obligation contained in paragraph 3 (2) (e) of the Runnymede Member Code of Conduct to not conduct himself in

a manner that could reasonably be regarded as bringing his office into disrepute

4. The panel would publish its findings in respect of Councillor Mackay's conduct.
5. The panel would report its findings to Full Council for information.
6. The panel also requested that the Monitoring Officer send an email to all Councillors advising them that they should only use their Council provided email accounts for conducting Council business. The reason for this is to create a clear separation between the private life of Councillors and their duties as a Councillor. If Councillors switch between the private and Council provided email accounts this can cause problems."

Chairman

(The meeting ended at 8.30pm)

4. APOLOGIES FOR ABSENCE

5. DECLARATIONS OF INTEREST

If Members have an interest in an item please record the interest on the form circulated with this Agenda and hand it to the Legal Representative or Democratic Services Officer at the start of the meeting. A supply of the form will also be available from the Democratic Services Officer at meetings. Members are advised to contact the Council's Legal section prior to the meeting if they wish to seek advice on a potential interest.

Members are reminded that a non pecuniary interest includes their appointment by the Council as the Council's representative to an outside body and that this should be declared as should their membership of an outside body in their private capacity as a director, trustee, committee member or in another position of influence thereon.

Members who have previously declared interests which are recorded in the Minutes to be considered at this meeting need not repeat the declaration when attending the meeting. Members need take no further action unless the item in which they have an interest becomes the subject of debate, in which event the Member must leave the room if the interest is a disclosable pecuniary interest or if the interest could reasonably be regarded as so significant as to prejudice the Member's judgement of the public interest.

6. INTERNAL AUDIT PROGRESS REPORT FOR OUTSTANDING RECOMMENDATIONS (TIAA – Chris Harris)

Synopsis of report:

To inform Members on the progress made by Council Officers in implementing the recommendations made by TIAA, the Council's Internal Auditors, resulting from the internal audit work.

Recommendation(s):

None. This report is for information.

1. Report

1.1 Attached at Appendix 'B' is TIAA's Follow Up Report on Recommendations made following completion of the internal audit work. The report is an exception report, summarising outstanding recommendations as at July 2019.

2. Resource implications

2.1 The audit service is budgeted for in the Council's annual budgets, with a small contingency to cover unforeseen audits.

3. Legal and Equality implications

3.1 None.

(For information)

Background papers

Relevant Internal Audit working files and reports

Runnymede Borough Council

Internal Audit Progress Report for Outstanding Recommendations

2019/20

July 2019

Executive Summary

Introduction

1. This summary report provides the Standards and Audit Committee with an update on the progress in implementing the priority 1, 2 and 3 recommendations arising in previous internal audit reports.
2. This follow up review was carried out in June 2019. Since the previous follow up review was carried out (April 2019), three recommendations have reached their target implementation date. A further review was also carried out in relation to the nine recommendations set out in the previous follow up report which had reached their implementation date but had not been fully implemented at that time.

Key Findings & Action Points

3. The follow up review considered whether the management action taken addresses the control issues that gave rise to the recommendations. The implementation of these recommendations can only provide reasonable and not absolute assurance against misstatement or loss. From the work carried out the following evaluations of the progress of the management actions taken to date have been identified.

Evaluation	Number of Recommendations
Implemented	3
Outstanding	6
Considered but not Implemented	3
Not Implemented	0

4. For the three recommendations that have been confirmed as implemented, no further action is necessary and specific details have not been included in this report.
5. Three recommendations previously reported as Outstanding have been deemed no longer applicable in relation to the 2016/17 Data Quality report, as these have been superseded by the 2019/20 review of this area. No further action is necessary and specific details have not been included in this report.
6. In relation to the six recommendations classified as Outstanding, this includes three recommendations which have not yet reached their revised target implementation date. No further action is necessary at this time and therefore specific details have not been included in this report.
7. For the remaining three recommendations classified as Outstanding, this includes one recommendation which was in the process of being implemented, and two recommendations with a revised implementation target date. These will continue to be periodically monitored, and details relating to the specific recommendations in these cases have been included in the Detailed Report section below.

Scope and Limitations of the Review

8. The review considers the progress made in implementing the recommendations made in the previous internal audit reports and to establish the extent to which management has taken the necessary actions to address the control issues that gave rise to the internal audit recommendations.
9. The responsibility for a sound system of internal controls rests with management and work performed by internal audit should not be relied upon to identify all strengths and weaknesses that may exist. Neither should internal audit work be relied upon to identify all circumstances of fraud or irregularity, should there be any, although the audit procedures have been designed so that any material irregularity has a reasonable probability of discovery. Even sound systems of internal control may not be proof against collusive fraud.
10. For the purposes of this review reliance was placed on management to provide internal audit with full access to staff and to accounting records and transactions and to ensure the authenticity of these documents.

Release of Report

11. The table below sets out the history of this report.

Date draft report issued:	8 th July 2019
Date management responses rec'd:	9 th July 2019
Date final report issued:	9 th July 2019



Executive Summary

Follow Up

12. Management representations were obtained on the action taken to address the recommendations and limited testing has been carried out to confirm these management representations. The following matters were identified in considering the recommendations that have not been fully implemented:

13. GDPR Preparedness

Audit title	GDPR Preparedness	Audit year	2017/18	Priority	3
Recommendation	A review of all contracts and agreements with third parties be undertaken to ensure all content is GDPR compliant.				
Initial management response	Meeting on 26/09/18. With CHL&G and Legal Services Mgr to discuss.				
Responsible Officer/s	CHL&G and Legal Services Manager	Original implementation date	28/02/19	Revised implementation date	31/10/19
Latest Update	It was advised by the Corporate Head of Legal & Governance that this is in progress; the CHL&G has now taken on responsibility for this work stream, with a revised target date of 31/10/19. This recommendation will continue to be monitored as part of periodic follow up reviews.				
Status	Outstanding			Implementation is in progress but the original target date has not been met. A revised target date has been set.	

14. Risk Management

Audit title	Risk Management	Audit year	2017/18	Priority	3
Recommendation	An introduction to Risk Management be incorporated in to the Council's corporate induction programme for all new staff.				
Initial management response	There will be bi-annual risk management/assessment training delivered by an external specialist to managers. It will then be the responsibility of all line managers' to advise both existing staff and new staff (through an induction) of what is expected in terms of risk management/assessments and this will tie in with the corporate risk matrix. The Chief Executive has advised he will find the resources for this external training.				
Responsible Officer/s	HR Learning & Development Officer	Original implementation date	First course to be delivered in 2018	Revised implementation date	In progress at the time of the follow up review.
Latest Update	It was confirmed by the Head of HR that an e-learning module has been sourced which can be utilised by all staff as part of the Learning Pool suite of courses. It is an interactive course that takes only 45 minutes to complete, and could be used for all staff as an easy and inexpensive way of providing risk management training. The Risk Management group will be reviewing this in July to ensure that it conveys the same messages that they wish to convey. This recommendation will therefore continue to be monitored as part of periodic follow up reviews.				
Status	Outstanding			Implementation is in progress but the original target date has not been met.	

15. Independent Retirement Living

Audit title	Independent Retirement Living	Audit year	2018/19	Priority	3
Recommendation	Ensure that the policies and procedures are reviewed and updated as necessary. The updated policies and procedures should also include reference to the restrictions in place regarding resident's financial affairs, the responsibilities of staff receiving gifts and the process to appoint third parties.				
Initial management response	Procedures to be reviewed and updated.				
Responsible Officer/s	Senior IRL Manager	Original implementation date	November 2018	Revised implementation date	30/09/19
Latest Update	Managers have been working on the procedures and many of the revisions are now in draft ready for review. The IRL manager has been asked to draw up a full list of all policies and procedures in place and to RAG rate them based on progress with the review so that the Housing and Neighbourhood Services Manager can monitor this going forward. This recommendation will continue to be monitored as part of periodic follow up reviews.				
Status	Outstanding			Implementation is in progress but the original target date has not been met. A revised target date has been set.	

7. INTERNAL AUDIT PROGRESS REPORT 2019/20 (TIAA – Chris Harris)

Synopsis of report:

To inform Members on the progress made to date by TIAA, the Council's internal auditors, on the 2019/20 Internal Audit Annual Plan.

Recommendation(s):

None. This report is for information.

1. Context of report

- 1.1 Attached at Appendix 'C' is the most recent Internal Audit Progress Report for 2019/20.

2. Report

- 2.1 The report identifies the audits which have been completed since the last meeting of this Committee, for the 2018/19 and 2019/20 planned audits.
- 2.2 There has been one approved change to the Annual Plan. This was to delete the Commercial Property Redevelopment; this audit was completed in June 2019 and will be undertaken again early in 2020/21.

3. Resource implications

- 3.1 The audit service is budgeted for in the Council's annual budgets, with a small contingency to cover unforeseen audits.

4. Legal and Equality implications

- 4.1 None.

(For information)

Background papers

Relevant Internal Audit working files and reports



Runnymede Borough Council

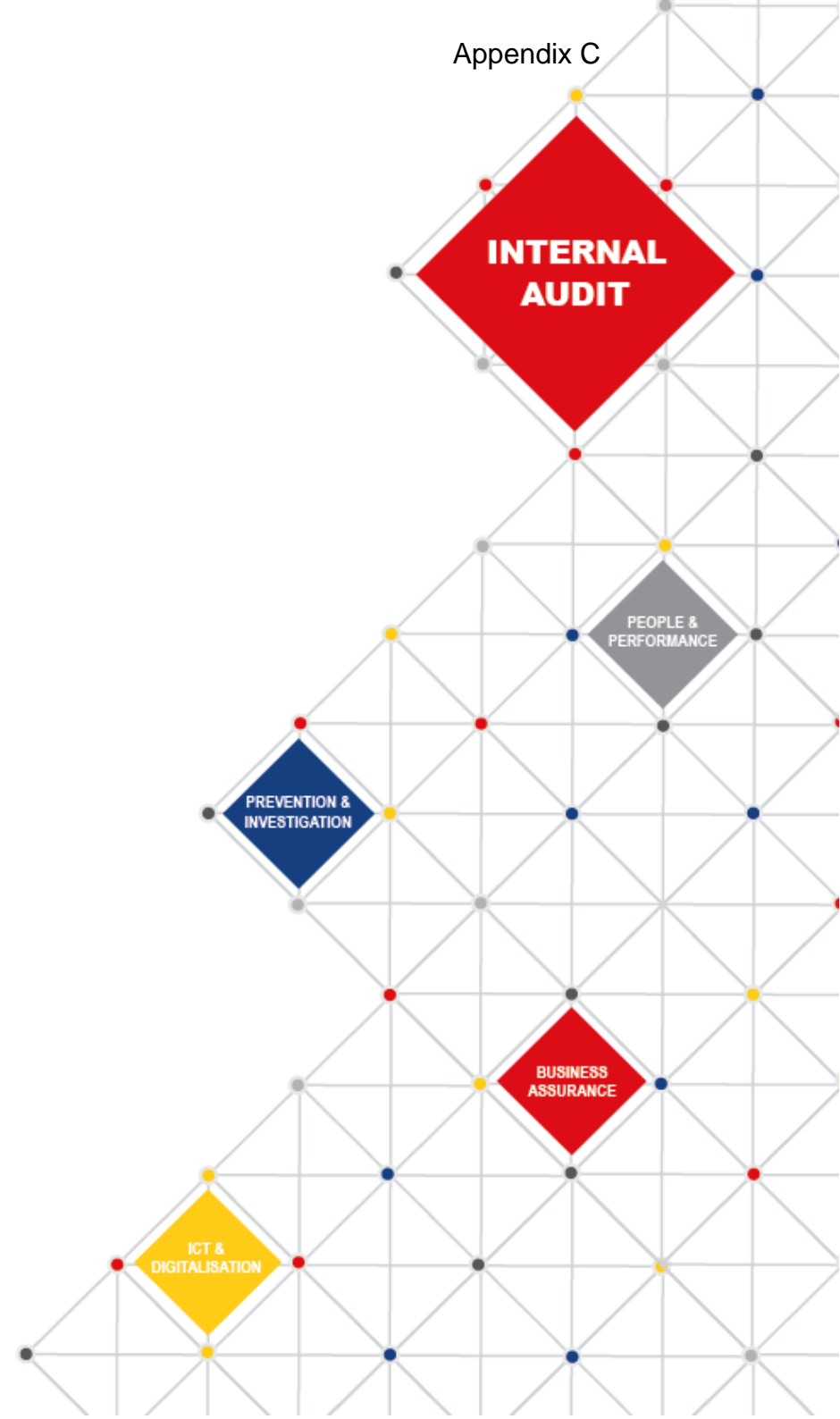
Internal Audit Progress Report 2019/20

Standards and Audit Committee

23 July 2019

FINAL

2019/20



INTRODUCTION

1. This summary report provides the Standards and Audit Committee with an update on the progress of our work at Runnymede Borough Council as at 1 July 2019.

PROGRESS AGAINST THE 2018/19 ANNUAL PLAN

2. Our progress against the Annual Plan for 2019-20 is set out in Appendix A. (In addition, any outstanding 2018/19 final audit reports are included in Section 4 below.) All Priority 1 and 2 recommendations made to the final reports identified in Section 4 below and their management responses are shown at Appendix B.

EMERGING GOVERNANCE, RISK AND INTERNAL CONTROL RELATED ISSUES

3. We have not identified any emerging risks which could impact on the overall effectiveness of the governance, risk and internal control framework of the organisation.

AUDITS COMPLETED SINCE THE LAST REPORT TO COMMITTEE

4. The table below sets out details of audits finalised since the previous meeting of the Standards and Audit Committee.

Review	Evaluation	Key Dates				Number of Recommendations			
		Start date	Draft issued	Responses Received	Final issued	1	2	3	OEM*
<u>2018/19 audits</u>									
Business Continuity	Substantial	August 2018	18/04/2019		Still at Draft	-	-	1	1
HR - Recruitment	Reasonable	August 2018	30/01/2019		Still at Draft	-	1	2	-
Runnymede (Yellow Buses) Travel Initiative	Substantial	June 2018	20/09/2018	14/05/2019	15/05/2019	-	-	4	1
Housing Rents	Substantial	January 2019	21/03/2019		Still at Draft	-	-	1	-
Housing Repair and Maintenance	Reasonable	September 2018	1/05/2019		Still at Draft	-	-	-	-
Budgetary Control	Substantial	November	8/05/2019	9/05/2019	13/05/2019	-	-	-	1



		2018							
Addlestone One	N/A	May 2019	N/A	N/A	29/05/2019	-	-	-	-
2019/20 audits									
Car Parking	Substantial	May 2019	30/05/2019	30/05/2019	3/06/2019	-	-	-	-
Data Quality	Reasonable	May 2019	13/06/2019	21/06/2019	25/06/2019	-	2	4	-
Freedom of Information	Substantial	June 2019	20/06/2019	28/06/2019	1/07/2019	-	-	3	1

*Organisational Efficiency Matters (OEM). These are best practice or value for money issues identified during the audit

CHANGES TO THE ANNUAL PLAN 2019/20

5. There is one approved change to the Annual Plan for 2019/20:
 - Delete – Commercial Property Redevelopment (this audit has just been concluded in June 2019 from the 2018/19 audit programme and will be undertaken again early 2020/21)

FRAUDS/IRREGULARITIES

6. We have not been advised of any frauds or irregularities in the period since the last summary report was issued.

LIAISON

7. We continue to liaise with the Corporate Director of Resources on a regular basis.

PROGRESS ACTIONING PRIORITY 1 RECOMMENDATIONS

9. We have not made any Priority 1 recommendations (i.e. fundamental control issue on which action should be taken immediately) since the previous progress report.

RESPONSIBILITY/DISCLAIMER



10. This report has been prepared solely for management's use and must not be recited or referred to in whole or in part to third parties without our prior written consent. The matters raised in this report not necessarily a comprehensive statement of all the weaknesses that exist or all the improvements that might be made. No responsibility to any third party is accepted as the report has not been prepared, and is not intended, for any other purpose. TIAA neither owes nor accepts any duty of care to any other party who may receive this report and specifically disclaims any liability for loss, damage or expense of whatsoever nature, which is caused by their reliance on our report.



Progress against the Annual Plan for 2019/20

System	Planned Quarter	Days	Current Status	Comments	Date last time audited
Risk Management	2	6			December 2017
Commercial Property Redevelopment	3/4	11		Delete from 2019/20 plan as just audited - to include in 2020/21 plan	June 2019
Data Quality	1	6	Final report issued 25 June 2019		July 2017
Commercial Rents	3/4	6			June 2019
Benefits and Council Tax Support	3/4	10			March 2019
Non-Domestic Rates (NDR)	3/4	8			March 2019
Council Tax	3/4	8			March 2019
Accounts Payable (Creditors)	3/4	6			December 2018
Accounts Receivable (Debtors)	3/4	6			December 2018
Income – Cash and Bank	3/4	6			March 2019
Main Accounting (General Ledger)	3/4	6			March 2018
Payroll	3/4	8			February 2019
Capital Accounting and Asset Management	3/4	6			March 2017
Treasury Management	2	6			March 2018
ICT – TBA (Contingency)	3	18			N/A
Procurement/Contracts	4	6			March 2019

System	Planned Quarter	Days	Current Status	Comments	Date last time audited
Governance – Corporate (Constitution, Members, transparency and openness)	1	6			October 2017
Freedom of Information	1	6	Final report issued 1 July 2019		2016
Depot – to include trade waste	1	6		Audit deferred until later in year due to operational staffing issues	April 2018
Car Parking	1	6	Final report issued 30 May 2019		November 2016
Planning Enforcement	1	6	Draft report issued 18 June 2019		Not Known
Housing Rents	2	6			March 2019
Housing Allocations and Homelessness	2	6			June 2017
Housing Enforcement	1	6			Not Known
Housing Section 106	1	8			Not Known
Follow up	4/5	15		This is now a quarterly update of all outstanding recommendations	
<u>Total</u>		<u>191</u>			

KEY:

	=	To be commenced
	=	Site work commenced
	=	Draft report issued
	=	Final report issued



Recommendations – Priority 1 and 2 recommendations

Audit Report: Data Quality
Report Issued: June 2019

Rec.	Risk Area	Finding	Recommendation	Priority	Management Comments	Implementation Timetable (dd/mm/yy)	Responsible Officer (Job Title)
2	Directed	The Information Governance Framework provides guidelines on Data Quality standards. However the Information Governance Framework has yet to be signed off/ratified.	The Information Governance Framework be signed off/ ratified and implemented at the earliest opportunity to ensure that roles and responsibilities in relation to Data Quality are clearly defined and governed appropriately.	2	<i>The Information Governance Framework has been signed off.</i>	13/06/19	<i>Corporate Head of Law and Governance</i>
3	Directed	Discussions with the Corporate Head of Strategy and various Corporate Heads of Service/relevant staff confirmed that no central formal training in relation to Data Quality has been provided. This is because there are many different systems and procedures used by each business centre/unit to obtain relevant data, and it is therefore felt more appropriate that each Corporate Head is responsible for their business centre/unit's data quality procedures and training, as agreed previously.	It be ensured that Data Quality is included as part of training for Information Governance and/or department specific training across the Council.	2	<i>The Corporate Head of Strategy has emailed all Corporate Heads, plus heads of service in the CE's Office to advise them of the recommendation to ensure there is appropriate training related to their procedures to support high standards of data quality.</i>	<i>Email sent by Corporate Head of Strategy on 13/6/2019. Follow up email will be sent by the end of September 2019</i>	<i>All Corporate Heads and heads of service in the CE's office.</i>



8. EXTERNAL AUDIT INTERNATIONAL STANDARDS ON AUDITING (ISA) 260 REPORT (FINANCE – Paul French, BDO - Leigh Lloyd-Thomas)

Synopsis of report:

To note the report by the Council’s External Auditor on any matters arising from the Audit of the 2018/19 Statement of Accounts and to invite Members to make any comments they might wish, to be reported to Corporate Management Committee.

Recommendation(s):

None. This report is for information.

1. Context of report

- 1.1 The External Auditor has concluded the examination of the Statement of Accounts for 2018/19 and has issued an ISA 260 report giving an opinion on the Statement of Accounts and a “Value for Money” judgement.
- 1.2 International Standards on Auditing are issued by the International Auditing and Assurance Board and contain principles and procedures with which external auditors are required to comply when carrying out an audit of financial statements. The ISA 260 deals with matters the external auditor wishes to bring to the attention to those charged with governance. The report allows the Council to consider any issues raised from the Audit before the External Auditor finalises the opinion and certifies the 2018/19 statement.

2. Report

- 2.1 The Council’s appointed External Auditor (BDO) will present the ISA 260 report to the meeting of this Committee.
- 2.2 Members are invited to make any comments on their report. These will be reported verbally to Corporate Management Committee on 25 July 2019 by the Assistant Chief Executive.
- 2.3 Due to the tighter closing deadlines introduced by the Government for the 2017/18 accounts, it is no longer feasible to produce and comment on a copy of the ISA 260 report in time for the Council’s committee reporting cycle (the reporting requirement having been moved from the end of September to end July), therefore the report will follow separately.
- 2.4 BDO will also issue an Annual Audit and Inspection letter for 2018/19 later in the year when their combined inspection and performance assessment has been concluded.

(For information)

Background papers

Statement of Accounts 2018/19 and ISA 260 report (to follow)

9. COMPLAINTS AND COMPLIMENTS - QUARTER 1 2019/20 (LAW AND GOVERNANCE – Clare Pinnock)

Synopsis of report:

To provide Members with a summary of the complaints and compliments received from January to March 2019 (Quarter 1 of the KPI reporting structure) and reporting on matters raised at the last meeting of the Committee.

Recommendation(s):

None. This report is for information.

1. Context of Report

1.1 The Council maintains a database of formal complaints which have been recorded (including those in which the Local Government and Social Care Ombudsman (LGSCO) has been involved), what they relate to and how they have been resolved. We maintain a similar database for compliments that have been recorded.

2. Report

2.1 The Council's Complaints Procedure regards complaints as 'an expression of dissatisfaction with a Council's action or omission, whether justified or not'. Requests for services, information and explanations of Council policy are not generally regarded as complaints.

2.2 This report brings the results of Quarter 1 2019/20.

2.3 There were 19 formal complaints and 12 compliments recorded in Quarter 1. The table below shows the number of entries in each register without reproducing the figures from the previous year.

2.4 Complaints 2019/20

Business Centre	Quarter 1
Corporate Services	3
Community Development	1
Community Services	0
Environmental Services	4 (1 joint with Resources)
Housing	10

Law and Governance	0
Planning	0
Resources	2 (1 joint with Environmental Services)
Totals	

2.5 Of the 19 complaints received, 8 were upheld or partly so. These were for Environmental Services, Resources and Housing, although it should be noted that almost all the complaints in Housing were regarding contractors; nevertheless where fault has been found, this has been acknowledged and complainants have been apologised to. The joint complaint was a combination of several occasions of a missed food waste collection combined with advice given by Customer Services. This was partly upheld because the food waste collection was at fault for which the DSO Manager apologised but the advice given by Customer Services was correct.

2.6 At the last meeting, Members sought some more analysis of complaints and how service improvements can be made using the data available. Resources are limited to do this but the following has been readily identified from information provided in the register.

1. One complaint highlighted an issue with software which was useful because having been identified it has been fixed so further complaints of this nature have been prevented. It also highlighted that the complainant themselves had incorrectly completed an on-line process so Officers are looking at the process to make sure it is easily understood by applicants.
2. Another software issue with a contractor's IT was identified and this is being investigated to prevent further issues arising.
3. Lateness of contractors (several complaints of this nature) has identified that more realistic timescales should be given to manage expectations

2.7 It is important only to record genuine complaints; service requests such as missed bins only become complaints if there is another dimension to the issue or of the bin has been missed on multiple occasions. There has been some mis-recording of service requests as formal complaints and this is being addressed so that only relevant and legitimate complaints are recorded in future. Updated guidance is being issued to staff.

2.8 There were 12 compliments received for Quarter 1 as set out below: The majority were regarding Refuse and Recycling (5) and Housing (3); where some individual staff were named and highly praised for their interpersonal skills, efficiency and caring attitude. Housing contractors also received 2 compliments and there was a compliment received for prompt attention to service requests in Community Development (Green Space – shared with Customer Services who took the initial call) as well as recognition of staff knowledge and expertise at Chertsey Museum, Floral House and in Housing Maintenance and Housing Solutions.

2.9 **Compliments**

Business Centre	Quarter 1
Corporate	0

Services	
Community Development	2 (1 shared with Resources)
Community Services	0
Environmental Services	5
Housing	5
Law and Governance	0
Planning	0
Resources	1 (shared with Community Devt)
Totals	12

2.10 The breakdown of complaints and compliments by Ward is set out below:

Ward	Quarter 1	
	complaints	compliments
Addlestone North		1
Addlestone South	1	
Chertsey Riverside	1	2
Chertsey St Ann's	3	1
Egham Hythe	2	1
Egham Town	2	2
Englefield Green East		1
Englefield Green West	2	
Lyne, Longcross and Chertsey South	1	
New Haw		
Ottershaw	3	
Thorpe	2	1
Virginia Water		1
Woodham and RowTown		
Out of Borough	1	
Unrecorded	1	2
Totals	19	12

- 2.11 The recording and periodic review of complaints and compliments is a valuable tool for the Council to use to review performance and improve the delivery of services.
- 2.12 Compliments are also a useful performance tool. They highlight when things are working well and can be used to identify good working practices which can be shared across the organisation.
- 2.13 There are currently 9 complaints overdue (compared with 14 at the last meeting). At the last meeting Members requested that every effort was made to resolve anything outstanding especially some of the older entries and we are pleased to say that a good number have now been cleared. It transpired that a number of complaints had been dealt with but the registers had not been updated accordingly. Members asked that outstanding complaints be referred to this Committee for consideration. It is understood that the new Corporate Head of Environmental Services gave a thorough report to Environment and Sustainability Committee on those services now within his remit and much progress has been made to filter out genuine complaints from service requests and unfounded complaints. However, there are still 6 historic complaints that he is working on and lessons are being learned about communications with residents and giving clear explanations regarding service expectations. The other 3 complaints are all historic Planning issues (2017/18) relating to how some individual planning applications were dealt with. It would appear that at the time their complaints were not upheld but they were not satisfied and they remained 'open' on the register. The former Director of Planning and Environmental Services has now left the Council and Officers have been unable to trace what happened. None of the complainants has re-raised a complaint having been given an initial response at the time so it would be sensible to write these off; the lesson to be learned is to deal with issues at an early stage and ensure all processes are clear and understandable to avoid complaints about our processes being raised in future.

3. Policy framework implications

- 3.1 There are no further policy implications to report other than those previously noted.

4. Resource implications

- 4.1 All work on the registers is co-ordinated by an Officer in Law and Governance; whilst this can be time consuming, it is considered to be an important part of Corporate Governance and one which assists Councillors to have an overview of how the Council is performing.

5. Equality implications

- 5.1 The Council has a duty under the Equality Act 2010 to promote and foster good relations between people who share a protected characteristic and those who do not. We should at all times act in a way that is non-discriminatory through our policies and procedures and interactions with people.
- 5.2 In the last reporting period there were no complaints or compliments identified as relevant to any of the protected characteristics.

(For information)

Background papers

The Complaints and Compliments Registers held on the Council's feedback drive and relevant (part exempt) emails in Democratic Services Outlook folders.

10. EXCLUSION OF PRESS AND PUBLIC

If the Committee is minded to consider any of the foregoing reports in private, it is the

OFFICERS' RECOMMENDATION that -

the press and public be excluded from the meeting during discussion of the relevant report under Section 100A(4) of the Local Government Act 1972 on the grounds that the report in question would be likely to involve disclosure of exempt information of the description specified in the relevant paragraph(s) of Part 1 of Schedule 12A of the Act.

(To resolve)

Part II

Matters involving Exempt or Confidential Information in respect of which reports have not been made available for public inspection.

- | a) | <u>Exempt Items</u> | Paras |
|----|--|-------|
| | (No items to be considered under this heading) | |
| b) | <u>Confidential Items</u> | |
| | (No items to be considered under this heading) | |