

GOVERNANCE AND AUDIT COMMITTEE

19 October 2021

Present:- Councillor Kevin Bentley, Councillor Michelle Burrows, Councillor Adam Fox, Councillor Chris Hayter, Councillor David King, Councillor Leigh Tate, Councillor Dennis Willetts (Chairman)

Substitutions: Councillor Maclean substituting for Councillor Bentley

Also Present:- Councillor Hagon (attended remotely)

278. Minutes of the previous meeting

Councillor King pointed out two typographical errors in the draft minutes, which would be corrected.

Councillor Fox requested that a copy of the letter sent to the Secretary of State on behalf of the Committee be circulated to all members of the Committee and it was confirmed that this would be done.

RESOLVED that: the minutes of the meeting held on 7 September 2021 be confirmed as a correct record subject to two typographical errors having been corrected.

279. Local Government and Social Care Ombudsman – Annual Review Letter 2021

Andrew Weavers, Strategic Governance Manager, attended the meeting to present the report and assist the Committee with its enquires. The Committee heard that the Local Government and Social Care Ombudsman's annual review letter contained less details than was usual which was because the Ombudsman's office had stopped taking complaints due to the pandemic. No findings of mal-administration or public interest reports had been issued against Colchester Borough Council (the Council).

Noting the comment made by the Ombudsman that he was concerned by the erosion of effective complaint functions in local authorities, Councillor King queried how robust the complaint processes of the Council were, and how easy they were to access for members of the public. In response, Andrew Weavers confirmed to the Committee that the Council had an effective complaint system which the Ombudsman had commented on in the past, and the complaint system was available via the Council's website to make it as accessible as possible. The

Committee were reassured that the Ombudsman's comments were contained within a letter with standard wording, and were not directed at the Council itself. Referring to data within the report, Councillor Willetts expressed his opinion that it was clear that when members of the public felt the need to make a complaint, that they had been able to do so, citing the example of the twenty three complaints that had been received in 2016/2016, and similar numbers in the intervening years, and the importance of maintaining an accessible complaints system was emphasised.

RESOLVED that: the contents of the Local Government & Social Care Ombudsman's Annual Review Letter for 2021 be noted.

280. Health and Safety Report 2020/2021

Carl Free, Corporate Health and Safety Officer, attended the meeting to present the report and assist the Committee with its enquires. The Committee heard that the report covered the period October 2020 to September 2021, and as a result of this the main health and safety focus had been on the response to the Covid-19 pandemic, and the work that had been undertaken to ensure the safety of staff and members of the public. Some of the more usual health and safety audits and reviews were now being carried out and were in progress, with no significant concerns to the health and safety of staff had been identified.

The Committee heard that the health and safety committee meetings had continued to be held online, allowing designated officers to share training, guidance and best practice for Covid safety measures and staff health, together with monitoring corporate health and safety action priorities for the future.

The regular Fire Risk Assessments for all corporate buildings had been completed by an experienced Fire Safety Consultant. These reviews were carried out on an annual basis as the Council's buildings contained staff or customers. No significant issues had been identified, and standard continual improvement work was ongoing.

Although face to face training sessions had been curtailed due to the pandemic, however, essential courses had continued via online training, and additional training had been organised to take place over the coming months. This included a recognised qualification for the Executive Management Team of the Council to help them become better influencers of health and safety.

There had been no serious health and safety incidents over the past reporting year which were reportable to the Health and Safety Executive (HSE) under the Reporting of Injuries Diseases and Dangerous Occurrences Regulations (RIDDOR). Incidents which needed to be reported were serious such as fractures or incidents leading to more than seven days off work, or members of the public being taken to hospital for treatment. The number of reportable incidents had been declining over the past few years, but it was important that vigilance was maintained and incidents reported whenever necessary.

One of the focusses for the upcoming year was water safety, to ensure that the Council was legally compliant, and residents were kept safe around water sources in the borough.

Hayley McGrath, Corporate Governance Manager, explained to the Committee that the health and safety processes were a fundamental part of the Council's approach to physical risk management, and that as such the Committee were invited to review these on an annual basis to provide assurance as part of the Council's overall risk management process.

Councillor Willetts noted that there had been no serious incidents which may have indicated that the policies were deficient in some way, and that he assumed that the Committee could be assured that the policies were subject to the usual range of amendment and improvement as necessary. Further detail was requested with regard to the reported incident of an injury while lifting a bin, in order to give the Committee assurance that incidents were being dealt with under existing policies and no significant changes in procedure had been prompted.

Carl Free confirmed that as the reported wrist fracture while using a bin lift had been a more serious incident, he had investigated this, and as part of this investigation the policies and procedures in place had been reviewed. The member of staff had been trained and the lift was working as it should have been, and the accident had been caused through a number of environmental factors and individual error. All staff had subsequently been reminded of correct procedure, and no further incidents had been reported.

Councillor Fox enquired what processes had been put in place to safeguard staff who had been working from home over the past year, and it was confirmed that as the majority of staff working from home were using computers the guidance on screen usage had been updated, and additional guidance had been provided in respect of slips, trips and falls as well as fire safety. Care had been taken to provide staff with the correct equipment that they needed to work as safely as possible, including laptops, risers and chairs from the office, and the system seemed to be working well with no major incidents being reported.

In response to an enquiry from Councillor King concerning the current works at Rowan House, the Committee heard that although the building did need an uplift, this did not create specific health and safety hazards. Some minor amendments had been recommended as part of the fire safety report, but one of the key changes which was being made was the introduction of improve ventilation as part of the overall response to Covid-19, and the greater awareness that there now was to the importance of good ventilation in managing Covid-19 and other respiratory diseases. Improvements to areas where poor ventilation had been identified would be carried out as part of the overall improvement works which were taking place. In response to an enquiry from Councillor Willetts, the Committee were assured that all necessary improvement works were being carried out in Rowan House to fulfil the Council's duty to safeguard its staff.

With regard to the UK Drowning Prevention Strategy, the Committee heard that data in respect of fatalities was shared via the Essex Resilience Forum, but less information was available with regard to other incidents. The Council had identified areas of open water under its control and had developed action plans and risk assessments which were focussed on preventing people entering the water. It was hoped that the current review would reveal whether or not the Council was doing enough to promote water safety, and potential suitable measures that could be taken to improve this. It was confirmed to the Committee that the Council's safeguarding obligation related to areas where the Council owned the land on which a body of water was situated, or the water source itself, however, often the responsibility was shared with others, and the report would identify who those additional stakeholders were to enable joint working to be carried out to. Areas would be identified where there was a specific risk, and action taken to ensure that such risks were suitably mitigated against.

Councillor Burrows enquired whether there was a particular operational area of the Council where near miss reporting raised any concerns, and the Committee heard that the leisure and waste services reported the highest numbers of near miss incidents. The reporting of near misses was considered to be of key importance in preventing future accidents and was encouraged as much as possible, and was a feature of the new staff induction process. No issue was considered to be too small to report, and risk and hazard reporting contributed to overall safety management. The Committee were assured that no concerns had been raised over the working practices of a particular service area of the Council as a result of the reporting of near misses.

RESOLVED: that the Health and Safety Report for 2020/2021 be noted, and the Health and Safety Policy for 2021/2022 be approved.

281. Colchester Borough Homes Annual Governance Statement 2020/2021

Matt Armstrong, Director of Business Improvement for Colchester Borough Homes (CBH), and Karen Smout, an independent board member of CBH and Vice Chair of the Finance and Audit Committee, attended the meeting to present the report and assist the Committee with its enquiries. It was intended to provide the Committee with assurance that Colchester Borough Home's (CBH) governance arrangements were strong.

The Committee heard that CBH was managed by a board consisting of four independent members, three Colchester Borough Council Councillors and three resident members. The governance structure of CBH had been amended over the past twelve months, and the Operations and Performance Committee had been added to provide a greater amount of scrutiny in those areas, and the Residents Voice Panel had been re-launched which had improved engagement. The Code of Governance of CBH had been updated in December 2020, with the National Housing Federation's code of governance being adopted. In line with Colchester

Borough Council's approach, the company TIAA had been appointed to carry out internal audits for CBH, and this had been working well, with attendance at all Finance and Audit Committee meetings facilitating good dialogue. A new, simpler, risk management policy had been adopted in February 2020 and this had been supported by training for staff to give more structure to risk discussions at all levels of the company. The Committee were advised that the accounts for 31 March 2021 had been signed off, and the management letter had been received from CBH's external auditors, Scrutton Bland, which raised no governance or control issues. The only issue which had been flagged was the potential viability of CBH based solely on the company's pension liability. The Committee heard that there was a good internal dialogue at CBH's Finance and Audit Committee between both internal and external auditors and CBH Officers about governance matters and risk.

Councillor Willetts note that there had been a broadening of the activities undertaken by CBH over the past five years, moving away from domestic to commercial property management, and he enquired whether this had needed a change in the risk management approach taken by CBH? The Committee heard that there had been a change in approach, and risk was addressed at every board meeting. The Strategic Risk Register was kept up to date with changes in legislative requirements and advancing technology management systems with the aim of continuing to deliver excellent service to residents.

In response to an enquiry from Councillor King, the Committee were advised that the highest risks recorded on the Register were considered in great detail by the Board who sought advice from expert officers in relation to the identified risk and challenged the mitigating actions that were in place as part of a robust conversation. The Committee also heard that the Residents Voice Panel had a slot on all of the Board meetings of CBH, where the concerns of the residents could be highlighted for further investigation by officers, and that this feedback was considered in tandem with other complaints and comments received from residents to ensure that the Board had a flavour of current issues.

In response to a query from Councillor Willetts, Matt Armstrong confirmed that the reduction in the number of audits that had been carried out was a decision that had been taken when CBH had moved to a more risk based approach to auditing. TIAA, the internal auditors, attended the Finance and Audit Committee on an annual basis and advised on both the planned annual audits and the three year audit plan, together with offering advice on emerging risks in the sector.

Councillor Tate noted that some of the actions that had been listed on the action plan presented to the Committee were due to be completed in November 2021, and Matt Armstrong confirmed that approximately half the actions that were contained in the plan had been completed. It was anticipated that the agreement of the Strategic Plan 2022-2027 would be delayed until December to allow the new Chief Executive of CBH time to consider it in detail, however, this was not required to be in place before April 2022, which allowed sufficient time.

Councillor King commented on the improvement which had been demonstrated in the number of substantial assurance assessments compared to the previous year,

and sought clarity on whether this position could be maintained or even improved upon. Matt Armstrong offered the opinion that the organisation was moving in the right direction, but commented that the environment was changing constantly and it was part of the process of the Finance and Audit Committee to assess and review risk mitigations. With regard to the 'reasonable' assurances that had been given as a result of audits, the Committee were advised that the majority of these assurances were in relation to systems and record keeping, or areas where the risks were within the identified risk appetite of the Board. A new housing management system had been installed which would serve to codify the records system and improve processes.

Councillor Willetts reminded the Committee that the governance of CBH had been previously considered by the Committee when officers had advised on the compatibility of the approaches taken by both the Council and CBH, and he expressed his opinion that excellent practice had been demonstrated by both organisations. The Head of Internal Audit's opinion was noted that CBH had reasonable and effective risk management, control and governance processes in place.

RESOLVED that:

- the Committee had considered and commented on the Governance Assurance Statement of Colchester Borough Homes.
- The Committee accepted the assurance provided by Colchester Borough Homes regarding its governance arrangements throughout 2020/2021

282. Verbal update on remote meetings following the Covid-19 pandemic

Andrew Weavers, Strategic Governance Manager, attended the meeting to provide the update and assist the Committee with its enquiries. The Committee were reminded that on 25 March 2021 the government had called for evidence on local authority remote meetings, which the Council had responded to stating that it was in favour of having the ability to hold hybrid meetings if desired. To date, no response had been received from the government indicating how the implementation of the capacity for holding hybrid meetings would be advanced. It was therefore necessary to ensure that the physical meetings which were held were safe for Members, and dynamic risk assessment were continuing for meetings under the Health and Safety at Work Act. There were some Members who remained concerned about the prospect of returning to physical meetings, particularly for meetings of full council in the council chamber where no social distancing was possible. As a result of these concerns, the meeting of full council scheduled for 20 October 2021 was to be held in the Moot Hall with some social distancing mitigation in place. The position would be considered again before every meeting, however it was emphasised that the overriding concern must be to the health and wellbeing of Members and Council Officers attending formal meetings.

Research was continuing into ways to broadcast meetings from the Town Hall which was a Grade 1 listed building, containing three separate and very different meeting rooms which each potentially needed their own bespoke solution. Because of this, it had been decided to focus attention on finding a live streaming solution in the Grand Jury and West Committee Rooms, and Democratic Services and IT Officers were currently working on this.

Councillor Willetts noted that the vaccination status of any Councillor was an entirely private matter for them, but he wondered whether there was any sense of the numbers that had received full vaccinations, and whether this could have any impact on meeting planning. It was confirmed to the Committee that there was no information available about vaccination status, and that as even the vaccinated were able to be infected by Covid-19 and pass it on, this would not be a driving factor behind any risk assessment. The Committee were reminded that even if there was the capacity to attend meeting remotely and take part in debate, any Councillor doing so would not be able to vote on any item, which was of particular significance to the authority given its very fine political balance. It was confirmed that there was sufficient budget available to implement a suitable solution enabling the live streaming of meetings when one was found.

283. Assurance on Colchester Borough Council's Cyber Security Provision

Wayne Murray, Technology Delivery Manager, attended the meeting to present the report and assist the Committee with its enquiries. The Committee was advised that the report to be presented to it was informed by the need to maintain the security of the Council's information technology (IT) systems, and specific technical detail relating to the systems was therefore omitted. The Committee received an update on figures provided in the report, and heard that 100% of staff had now completed Cyber Security training. The Members briefing and training session had also recently taken place, with good attendance and interesting debate.

Councillor Hagon attended the meeting and offered his hopes for a hybrid meeting solution to be found, noting that there may be a variety of reasons that Councillors were unable to attend meetings in person, and suggesting that government needed to address this. Officers who delivered the Councillor cyber security were praised for the quality of the training, together with the Council's IT response to the pandemic which had provided protection to staff, Councillors and residents. It was vital that a secure digital infrastructure was implemented and maintained. Councillor Hagon wondered whether it might be possible to improve the ease of access for Members to shared calendar and email functions, and suggested that some consideration be given to hosting Councillor emails in a separate area to allow for more accessibility while maintaining necessary security functions.

Whilst noting the progress that was being made towards more comprehensive digital access, a question was asked as to how compatible this would be with the return to physical meetings. Was the required infrastructure in place to allow Councillors the space needed to use laptop or other devices to access meeting papers in the

Council Chamber? Not all Councillors were comfortable using technology, and it was suggested that there be more flexibility to providing printed documentation where necessary to support the different needs of Members.

Councillor Willetts noted that there were significant cost saving and environmental advantages associated with the move to reliance on accessing meeting papers electronically, but he also suggested that all Members should be able to have access to paperwork in a format that they were comfortable with; did we have the balance right?

Wayne Murray confirmed to the Committee that there was limited space available in the Council Chamber for technology, and this was one of the factors behind the decision to focus the current development in the Grand Jury Room which was more open. Consideration was being given to hosting Councillor email accounts in a way that made them more easily accessible, but discussions were at a very early stage and it was not yet possible to say whether this would be achievable, or what any associated costs may be.

The Committee noted that although there had been 100% completion by staff of the mandatory data protection training, only two thirds of Councillors had completed this, which was a cause for concern, and it was considered appropriate for the Committee to take action to encourage a great completion rate among Members. Councillor Fox suggested that it may be appropriate for the Group Leaders or the Member Development Committee to look into this issue further. He did not consider it was desirable to implement a two tier system, where Members had fewer responsibilities towards maintaining the security of the Council's systems than Officers, and suggested that the responsibility be shared equally. Although it may be a minor inconvenience to access data or emails by following additional security checks or requirements, this was a minor price to pay to safeguard systems and information, and Councillors should take their responsibilities seriously and follow the expert advice of Officers in this regard.

Councillor King lent his support to the comments made by Councillor Fox, and suggested that encouraging the completion of the training was something that the Member Development Group might appropriately consider. He enquired how secure it was felt that the Council's systems were, in line with other local authorities. Wayne Murray explained to the Committee that the Council had the benefit of a free service offered by the National Cyber Security Centre who helped monitor the Council's networks and provide alerts of any issues immediately. It was not possible to stop cyber attacks being made, however, the processes that the Council had in place were designed to combat these and quickly limit any damage that might have occurred, and it was felt that the Council was in a good position to respond to any issues.

Councillor Maclean appreciated the points that had been around cyber security, but asked how using a computer issued by Colchester Borough Council could be made simpler, as she had great difficulty logging into the system. She further commented that Members should be able to choose how they accessed agenda documents, and whether they wished to have printed copies to reference, as she felt that staring at a

computer screen for extended periods of time had potential negative health connotations.

Councillor Willetts commented that the position with regard to cyber security and access to information was an extremely complex one, and praised the work that was being undertaken to ensure that Councillors had an easy and effective way to access and process the information necessary to serve their constituents.

RESOLVED that:

- the contents of the report be noted.
- the Member Development Group be requested to consider the issue of Councillor completion of mandatory training, and to work with Group Leaders to attempt to secure higher levels of completion.

284. Work Programme

Matthew Evans, Democratic Services Officer, attended the Committee to present the report and assist the Committee with its enquiries. The Committee were asked to note that the Equality and Safeguarding annual update had been moved from this meeting to the meeting of this Committee in March 2022.

RESOLVED that: the content of the Work Programme be agreed.