

# Governance and Audit Committee Meeting

**Grand Jury Room, Town Hall, High Street,  
Colchester, CO1 1PJ**

**Tuesday, 18 October 2022 at 18:00**

**The Governance and Audit Committee** considers and approves the Council's Statement of Accounts and reviews the Council's annual audit letter. The Committee also deals with the Council's governance, risk management and audit arrangements. To make recommendations to the Council on functions such as Elections and bye laws, and determine Community Governance Reviews.

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<https://colchester.cmis.uk.com/colchester/MeetingCalendar.aspx>.

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## **Governance and Audit Committee - Terms of Reference (but not limited to)**

### **Accounts and Audit**

To consider and approve the Council's Statement of Accounts and the Council's financial accounts, and review the Council's external auditor's annual audit letter.

### **Governance**

To consider the findings of the annual review of governance including the effectiveness of the system of internal audit and approve the signing of the Annual Governance Statement.

To have an overview of the Council's control arrangements including risk management and in particular with regard to the annual audit plan and work programme, and to approve the policies contained in the Council's Ethical Governance Framework.

### **Other regulatory matters**

To make recommendations to Council on functions such as elections, the name and status of areas and individuals, and byelaws.

To determine and approve Community Governance Reviews.

### **Standards in relation to Member Conduct**

To consider reports from the Monitoring Officer on the effectiveness of the Members' Code of Conduct, and to advise the Council on the adoption or revision of the Code.

To receive referrals from the Monitoring Officer into allegations of misconduct and to create a Hearings Sub-Committee to hear and determine complaints about Members and Co-opted Members referred to it by the Monitoring Officer.

To conduct hearings on behalf of the Parish and Town Councils and to make recommendation to Parish and Town Councils on improving standards or actions following a finding of a failure by a Parish or Town Councillor.

To inform Council and the Chief Executive of relevant issues arising from the determination of Code of Conduct complaints.

To grant dispensations, and to hear and determine appeals against refusal to grant dispensations by the Monitoring Officer.

To make recommendations to Council regarding the appointment of Independent Persons.

### **General**

To review of the Constitution including governance issues around formal meetings, processes and member training and to make recommendations to Council.

**COLCHESTER BOROUGH COUNCIL**  
**Governance and Audit Committee**  
**Tuesday, 18 October 2022 at 18:00**

**The Governance and Audit Committee Members are:**

Councillor Paul Smith	Chair
Councillor Chris Pearson	Deputy Chair
Councillor Dave Harris	
Councillor Sam McCarthy	
Councillor Rhys Smithson	
Councillor Dennis Willetts	
Councillor Barbara Wood	

**The Governance and Audit Committee Substitute Members are:**

All members of the Council who are not Cabinet members or members of this Panel.

**AGENDA**  
**THE LIST OF ITEMS TO BE DISCUSSED AT THE MEETING**  
**(Part A - open to the public)**

**Please note that Agenda items 1 to 6 are normally dealt with briefly.**

**1 Welcome and Announcements**

The Chairman will welcome members of the public and Councillors and remind everyone to use microphones at all times when they are speaking. The Chairman will also explain action in the event of an emergency, mobile phones switched to silent, audio-recording of the meeting. Councillors who are members of the committee will introduce themselves.

**2 Substitutions**

Councillors will be asked to say if they are attending on behalf of a Committee member who is absent.

**3 Urgent Items**

The Chairman will announce if there is any item not on the published agenda which will be considered because it is urgent and will explain the reason for the urgency.

**4 Declarations of Interest**

Councillors will be asked to say if there are any items on the agenda about which they have a disclosable pecuniary interest which would

prevent them from participating in any discussion of the item or participating in any vote upon the item, or any other pecuniary interest or non-pecuniary interest.

**5 Minutes of Previous Meeting**

The Councillors will be invited to confirm that the minutes of the meeting held on 6 September 2022 are a correct record.

**Draft Governance and Audit minutes - 06 September 2022** 7 - 14

**6 Have Your Say!**

The Chairman will invite members of the public to indicate if they wish to speak or present a petition on any item included on the agenda or any other matter relating to the terms of reference of the meeting. Please indicate your wish to speak at this point if your name has not been noted by Council staff.

**7 Local Government and Social Care Ombudsman – Annual Review Letter 2022** 15 - 22

The Local Government & Social Care Ombudsman produces an Annual Review Letter on the number of complaints it has received regarding each local authority. The Committee will consider a report providing details of Colchester Borough Council's Annual Review Letter for 2022.

**8 Health and Safety Report 2022** 23 - 46

The Committee will consider a report providing members with an overview of the Council's Health and Safety activity during the year from 01 October 2021 to 30 September 2022.

**9 Treasury Management – Annual Review 2021/22** 47 - 54

The Committee will consider a report as part of the cycle of monitoring treasury management, which covers all the borrowing and investment activities of the Council.

**10 Capital Monitoring Report Quarter 1 and 2 2022/23** 55 - 60

This report has been superseded and replaced by the item contained in the supplementary agenda, published as a meeting document below.

The Committee will consider a report setting out the Council's Capital Programme against budget for quarter 2 financial year 2022/23. The Capital Programme includes projects delivering General Fund services, and the HRA Housing Investment Programme.

**11 Work Programme 2022-2023** 61 - 64

The Committee will consider a report setting out the work programme for the current municipal year.

**Exclusion of the Public (not Scrutiny or Executive)**

In accordance with Section 100A(4) of the Local Government Act 1972 to exclude the public, including the press, from the meeting so that any items containing exempt information (for example confidential personal, financial or legal advice), in Part B of this agenda (printed on yellow paper) can be decided. (Exempt information is defined in Section 100I and Schedule 12A of the Local Government Act 1972).

**Part B  
(not open to the public including the press)****Treasury Management Strategy - Appendix A**

- This report is not for publication by virtue of paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 (financial / business affairs of a particular person, including the authority holding information).

## GOVERNANCE AND AUDIT COMMITTEE

6 September 2022

*Present:-* Councillor Paul Smith (Chair)  
Councillor Dave Harris, Councillor Chris Pearson,  
Councillor Rhys Smithson, Councillor Dennis Willetts,  
Councillor Barbara Wood

*Substitutions:* Councillor Michael Spindler for Councillor Sam McCarthy

*Also Present:-* Councillor King\*, Councillor Cory\*, Councillor Sunnucks

\*Attended remotely

### 324. Minutes of the previous meeting

*RESOLVED* that: the minutes of the meeting of 26 July 2022 be confirmed as an accurate record.

### 325. Colchester Borough Homes Annual Governance Statement 2021/2022

**Councillor Rhys Smithson declared a non-pecuniary interest in the following item by virtue of the fact that he was a director of Colchester Borough Homes.**

The Committee considered a report requesting that it accepted and commented on the Governance Assurance Statement of Colchester Borough Homes (CBH).

Andrew Tyrrell, Client and Business Manager, introduced the report to the Committee and assisted the Committee in its deliberations. The Committee was asked to annually consider the governance of Colchester Borough Council (the Council)'s arms-length management organisation, CBH, which managed the Council's housing stock. A series of nine internal audits which had been undertaken had achieved either substantial or good assurance levels, with no weak audit reports having been received, and only minor improvements were recommended.

Fiona Marshall, Chair of the Finance and Audit Committee at Colchester Borough Homes, attended the meeting remotely. The Committee heard that the Finance and Audit Committee had a key role in overseeing corporate governance and internal controls at CBH. An agreement was in place until 2028 between the Council and CBH which included clear requirements around governance arrangements and arrangements for internal control. Part of these arrangements was the production of the Annual Governance Statement, which set out the purpose of the governance

framework to ensure that the objectives of CBH could be pursued effectively, and good use was made of mechanisms of control and management of risk. The company had a Strategic Plan entitled 'Colchester 2022-2027', which focused on three key areas of customer, colleagues and communities, and the Companies budget was approved annually by its Finance Committee for recommendation to Board, along with a five year Business Plan which projected the Companies financial position in the future, including remaining reserves. Management Accounts were also received on a quarterly basis which showed variance cash flow forecasts and helped to ensure that plans remained sound. The Company had an up to date Risk Management Policy, Strategy and Framework for managing risks, and all Board Members received training on this. There were currently ten risks identified on a Strategic Risk Map for CBH, including the recent addition of the risk of tenants' quality of life being reduced, and identified risks were discussed at every Board Meeting.

Of critical importance were the governance arrangements of CBH, which was managed by a Board consisting of three Council nominees, three CBH tenants, four independent members, and the Chief Executive. The Board was skills based, with all members recruited to provide the skills which were needed, and an annual self-assessment was carried to endure that the necessary skills were present. An annual review of effectiveness of the governance arrangements was carried out by the Executive Directors Corporate Management Team, supported by an internal audit annual report and external auditors.

The Committee heard about significant governance developments during 2021-2022, which included development of a new Strategic Plan, the induction and training of a number of new Board members. Additionally a Board effectiveness review was carried out to ensure that the overall governance structure was working well and was well supported by governance systems, agendas, reports, minutes and plans. The Board was modern, effective, skilled and well lead.

At the invitation of the Chair of the Committee, Councillor Smithson commented on the induction process of CBH which he had experienced as a Board Member. The process was very thorough, and Officers had spent considerable time with new Board members. The process had been robust, and the training was comprehensive. Councillor Smithson had closely analysed CBH's Risk Register and was very happy with its contents. He considered that the Board meetings themselves were very transparent and very thorough.

In response to questions asked by a Committee member, Matt Armstrong, Director of Business Improvement at Colchester Borough Homes, confirmed to the Committee that 100% of CBH staff had now received data protection training, and CBH's risk report was available to be viewed by anyone, and could be circulated to the Committee. In respect of safeguarding residents. CBH maintained a dedicated team of staff, the Financial Inclusion Team, who monitored rent arrears and highlighted where it was considered tenants may be in need of assistance. Additional training was being given to staff who visited homes, and tenants who were in need of assistance would be directed to the help which was available to them. A referral



system to a safeguarding officer was in place to ensure that necessary action was taken. Councillor Smithson offered the Committee additional assurance that the Board of CBH was wholly committed to providing safeguarding for its residents, and had discussed safeguarding issues in detail at its last meeting.

The Committee noted that there appeared to be no falling back of the high standards which had been set by CBH in previous years, however, it sought assurance that money from the housing revenue account (HRA) and the general fund were clearly delineated in all accounting practices within CBH. Matt Armstrong advised the Committee that CBH had a number of income sources, and as well as general fund activities carried out on behalf of the Council, and the HRA, grant funding was available as well. Great care was taken by the accounting team at CBH that there was clear delineation between the two funds. A report detailing the performance of CBH would be presented to the Scrutiny Panel of the Council at its October meeting.

The Committee considered that many positive comments had been made in respect of the ongoing governance of CBH, and no significant issues had been raised.

*RESOLVED* that:-

- (a) The Committee had considered and commented on the Governance Assurance Statement of Colchester Borough Homes.
- (b) The Committee accepted the assurance provided by Colchester Borough Homes regarding its governance arrangements throughout 2021/22.

### **326. Financial Monitoring Report – April to June 2022**

The Committee considered a report setting out the financial performance of General Fund Services and the Housing Revenue Account (HRA) for the first three months of 2022/23.

Paul Cook, Head of Finance, introduced the report and assisted the Committee in its deliberations. The Committee heard that it was being asked to consider the first quarterly revenue monitoring report, and it was an early stage of the financial year to make an accurate forecast, and it was expected that a much clearer picture would be available by quarter two. At the current time, a net overspend of just over £1million was predicted, although Officers were working hard to try to bring this figure back within budget. Some of the causes of the predicted overspend had been spending pressures in Colchester Borough Council (the Council)'s Environment portfolio, some loss of planning income and higher than anticipated planning appeal costs, but these had been balanced to some extent by higher interest rates which had been received on the Council's cash investments. When the budget had been prepared, it had been assumed that inflation would be at 2%, and the Committee was requested to bear in mind the fact that inflation was now at 10%, and the impact which this would have on the Council's current finances.

Councillor Sunnucks attended the meeting, and, with the permission of the Chair, addressed the Committee. He was particularly concerned by rising interest rates and the predicted net overspend of over £1million, and wondered whether this shortfall would be addressed through the use of the Council's reserves. He considered that the Council found itself in a far weaker position than some other local authorities in terms of its levels of reserves. Although he thought that some considered that running the reserves so low to assist residents was justifiable, he did not agree with this approach, and considered that the Council had to, in the first instance, assure its own financial security so that it was in a position to help others in the future. He believed that difficult decisions would have to be taken in the future in terms of what the Council was able to focus its resources on, and a pragmatic approach to this would be essential.

Councillor Smith, in his role as Chair of the Committee, reminded it that some of the issues that had been raised by Councillor Sunnucks were more appropriately addressed by Cabinet, and did not fall within the remit of the Governance and Audit Committee.

A Committee member wondered what the appropriate role of the Governance and Audit Committee in regard to reviewing the financial monitors of the Council, noting that in the past such matters had been referred to it to relieve pressure on the Council's Scrutiny Panel. They considered that it would be useful to have a mechanism for comparing the current income monitoring data against the budget that was originally agreed in order to better note and understand the variations which had occurred. Of particular concern was the overspend of £788,000 associated with the Council's Environment and Neighbourhood Services, and it was suggested that it may be prudent to specifically address the volatility of this area in the future. The continued impact of the vacancy factor targets not being met on the budget was highlighted, and it was considered useful that more information was provided on the budget modelling which had taken place.

Councillor King, Portfolio Holder for Strategy and Leader of the Council, attended the meeting remotely, and with the permission of the Chair, addressed the Committee. He acknowledged the issues which the Council was now facing since the budget had been set by Full Council this year, and considered that problems were likely to worsen over the coming years. He did not, however, consider that the Council was in the position of a number of local authorities who had failed, or who were heading for failure, and the action that the Council needed to take to ensure this position continued was clear, and had already started. The Council was a well-run authority, and an intense process of review was underway to support the response to an expected, but still unwelcome, first quarter position and the challenges to come.

Councillor Cory, Portfolio Holder for Finance, attended the meeting remotely, and with the permission of the Chair, addressed the Committee. He was comfortable with the level of the Council's reserves, which had been recently depleted by the Council's response to the Coronavirus pandemic. He further considered that the Council utilised its assets more efficiently than some other local authorities, and as a result were able to respond in a more agile way to financial pressures. He assured

the Committee that the Council's accounts would be balanced by the end of the financial year, but noted that the early concerns which had been expressed were not surprising. Difficult decisions may have to be made during the year as a response to the rates of inflation, to ensure that budgets were not exceeded, and strategic priorities may have to be re-considered.

Responding to questions and comments from the Committee, Paul Cook confirmed that Officers would always seek to present information in as clear and consistent a manner as possible, and this could be explored further through scheduled budget workshops in the future. In setting the budget each year, there was a requirement that the Council's Section 151 Officer make a judgement on the level of reserves, and as part of this process a lot of comparisons had been made with other authorities, and it was considered that the Council's reserves were at a reasonable level, and those judgements would be thoroughly reviewed when setting future budgets. Modelling assumptions were brought forward when considering the medium range financial forecast, and this information would be provided in the future. There were currently no concerns about the level of Council reserves.

In discussion, the Committee expressed concern about the impact that rising interest rates would have on re-financed loan agreements, and the sustainability of income figures from areas such as licensing and planning during times of recession. It was suggested that it might be prudent to encourage cross-party involvement in considering budget issues, to take full advantage of the different professional experience which Councillors had. It would be helpful for a paper detailing the debt structure of the Council to be circulated to the Committee. A Committee member expressed some concern about the capacity of the Committee to scrutinise financial monitoring reports in great detail, and wondered whether a change to the constitution was required to allow this work to continue. The Chair was confident that the agreement that had been made some years ago between Scrutiny Panel and the Governance and Audit Committee would be treated as valid until such time as the Committee was advised otherwise.

It was noted that high expenditure in the Council's Neighbourhood service was associated with the employment of agency staff to fill Council vacancies, and concern was expressed that the Council should be prepared for residents who may be unable to pay their Council tax in the future. A Committee member queried a figure that had been presented in the report in relation to civil penalty notices, and Paul Cook confirmed that the position would be clarified. The Committee was reminded that a comprehensive Treasury Management Strategy was produced each year as part of the budget process, which was scrutinised by the Scrutiny Panel, Cabinet and Full Council, and this Committee received reports on it through the year. A copy of the Strategy would be circulated to new members of the Committee.

Councillor King assured the Committee that Senior Officers and Cabinet recognised the issues which the Council was facing and were taking action to address these. An update had been sent to all Councillors within the past week with respect to budgetary issues, and information would continue to be provided. The Council was

legally required to balance its books by the end of the financial year, and he was confident that this would happen.

*RESOLVED* that:

- (a) The Committee had considered the financial performance of General Fund Services and the Housing Revenue Account (HRA) for the first three months of 2022/23
- (b) The Committee had noted the forecast budget overspend of £1.007m on the General Fund.

### **327. Capital Outturn 2021/2022**

The Committee considered a report requesting that it reviews the progress on the Capital Programme, and reviews the 'red, amber, green' rating for each scheme, as rated by the relevant project manager.

Paul Cook, Head of Finance, introduced the report and assisted the Committee in its deliberations. The report detailed the Council's capital outturn for the previous financial year, and touched on inflationary issues which would be addressed when the Capital Programme was reset for the financial year 2023/2024 onwards. Some schemes may not be overly affected by inflation, for example schemes brought forward by the Council's wholly owned commercial companies or where funding had been sourced by a cash limited government grant. There was, however, still a risk which would be picked up during monitoring, and reported to Cabinet. Actual expenditure in 2021/2022 was lower than planned, due both to the Coronavirus pandemic and delays to advances to the housing company due to the proposed introduction of minimum revenue provision (MRP). The Committee heard that MRP meant that for any Council borrowing there needed to be minimum revenue provision made from the revenue account which was repaying the principal of the loan over the asset life. Local authorities had not been making MRP for advances to housing companies that they owned because when a development was completed the entire loan would be repaid from the proceeds. It had been suggested by central government that this may not be an appropriate practice, and that Council's should be making MRP on advances to companies that they owned. It was pointed out via a consultation that having to provide MRP would adversely affect the business models of local authority housing companies, and government subsequently confirmed that councils did not need to make MRP on advances to their housing companies.

Councillor Sunnucks attended the meeting, and, with the permission of the Chair, addressed the Committee. He welcomed the assurances which had been given by the Leader of the Council an inclusive approach would be taken to addressing financial issues. It was of fundamental importance that a forum existed where Councillors took a part in considering the Council's accounts. He noted that the Council had massively underspent on the Capital Programme in the previous financial year, which meant that future spending on schemes would now be carried

out in a higher cost environment. The viability of some of the schemes should be re-considered in the light of this, for example the purchase and rental of open market housing. Would higher interest rates affect the amount of compulsory sales of houses at discounted prices?

Councillor Smith explained to the Committee that council house funding was a byzantine procedure. The government allowed councils to keep a portion of the proceeds which they made from the sale of housing, but only if this money was spent within the correct amount of time, otherwise it had to be returned to the Treasury. He agreed that the Council may struggle to afford some schemes in the Capital Programme if inflation was at 10%, and this was a serious problem which needed to be considered.

In discussion, the Committee supported the idea that Cabinet reviewed the Capital Programme, and considered that the budget workshops which were open to all Councillors were a positive step in facilitating all-party engagement and involvement in financial matters.

At the request of a Committee member, Paul Cook confirmed that the difference between the capital and revenue accounts, by explaining that revenue constituted the Council's year to year running costs such as salaries, whereas capital was long term investment in assets such as land or buildings. Although it was possible to transform revenue income into capital assets, it was not possible to use capital assets to fund the Council's revenue expenditure.

Paul Cook offered the Committee assurance that when the Capital Programme was reset each year, the Council was required to set out a Capital Strategy, which ensured that proposed schemes were considered to be affordable and which was supported by detailed calculations. As the request of a Committee Member, an explanation of the overspend associated with the Mercury Theatre project was offered. The overall cost of the project was significantly higher than the direct provision in the capital programme because external funding had been obtained, so although there had been a large percentage variation in terms of the input from the Council, in terms of the overall project this was not a high variation.

The Committee considered the merits of suggesting to Cabinet that it considered listing the relative priority of items in the Capital Programme, so that in times of hardship and financial difficulty, there would be a level of guidance as to which capital projects were delayed and which were completed within the available budget. It was accepted that there was an inherent difficulty with determining priorities in this way over a four year Strategic Plan, when priorities would naturally change over this period. Although considering MRP was not a requirement, the Committee wondered whether this should form part of the risk rating process for capital schemes as a matter of good practice.

Dan Gascoyne, Deputy Chief Executive, attended the meeting and advised the Committee that when the Capital Programme was reset as part of the budget setting process, this had set out the Capital Strategy which articulated the relationship to the

Strategic Plan in areas such as sustainability; both affordability and financial sustainability, together with other considerations such as environmental impacts.

*RECOMMENDED TO CABINET* that the Capital Programme be reviewed in the light of inflationary impacts.

*RESOLVED* that:-

- (a) Progress on the Capital Programme as set out in the report had been reviewed
- (b) The 'Red, Amber, Green rating for each scheme as rated by the relevant project manager had been reviewed.

### **328. Work Programme**

The Committee considered its draft work programme for 2022-23.

The Committee was advised that with respect to the proposed Agenda for its November meeting, about which it had expressed concern, the Monitoring Officer had provided assurance that there was little new or controversial information to be provided as part of the suite of reports dealing with the Council's Ethical Governance Policies, and the agenda was not, therefore, as full as it may appear. Did the Committee still wish to schedule an additional meeting? Notwithstanding the assurance of the Monitoring Officer, the Committee was concerned that the Annual Statement of Accounts may be presented to its November meeting which would have the effect overloading the agenda, and an additional meeting should be scheduled to take account of this.

*RESOLVED* that:-

- (a) the work programme for 2022/23 be noted.
- (b) an additional meeting in autumn 2022 be scheduled.

## Governance and Audit Committee

Item  
7

18 October 2022

Report of	Monitoring Officer	Author	Andrew Weavers 282213
Title	Local Government and Social Care Ombudsman – Annual Review Letter 2022		
Wards affected	Not applicable		

### 1. Executive Summary

- 1.1 The Local Government & Social Care Ombudsman produces an Annual Review Letter on the number of complaints it has received regarding each local authority. This report provides details of Colchester Borough Council's Annual Review Letter for 2022.

### 2. Recommended Decision

- 2.1 To note the contents of the Local Government & Social Care Ombudsman's Annual Review Letter for 2022.

### 3. Reasons for Recommended Decision

- 3.1 To inform the Committee of the contents of the Local Government & Social Care Ombudsman's Annual Review Letter relating to Colchester Borough Council for 2022.

### 3. Alternative Options

- 3.1 No alternative options are presented.

### 4. Supporting Information

- 4.1 The Local Government & Social Care Ombudsman issues an Annual Review Letter to each local authority. The Annual Review Letter for Colchester for the period ending 31 March 2022 is attached to this report at Appendix 1.
- 4.3 It is worth noting that anyone can choose to make a complaint to the Local Government & Social Care Ombudsman. Accordingly, the number of complaints is not an indicator of performance or level of customer service. In most instances there was no case to answer. The Local Government & Social Care Ombudsman will normally insist that the Council has the opportunity to resolve the complaint locally through its own complaints procedure before commencing its own investigation.
- 4.4 The contents of this report were reported to Cabinet at its meeting on 7 September 2022 where the report was agreed.

## 5. Key Headlines

- 5.1 The Local Government & Social Care Ombudsman Annual Review Letter focuses on the outcomes of complaints and what can be learned from them. The statistics are on 3 key areas:

**(i) Complaints upheld** - The Ombudsman upholds complaints when it finds some form of fault in an authority's actions, including where the authority accepted fault before it investigated.

**(ii) Compliance with recommendations** - The Ombudsman recommends ways for authorities to put things right when faults have caused injustice and monitor their compliance with its recommendations. Failure to comply is rare and a compliance rate below 100% is a cause for concern.

**(iii) Satisfactory remedies provided by the authority** – In these cases, the authority upheld the complaint and the Ombudsman agreed with how the authority offered to put things right. The Ombudsman encourages the early resolution of complaints and credit authorities that accept fault and find appropriate ways to put things right.

The Ombudsman compares the three key annual statistics for each authority with similar types of authorities to work out an average level of performance.

	Period ending 31/03/22	Period ending 31/03/21	Period ending 31/03/20
Complaints Upheld	1	No detailed investigations carried out	1
Compliance with Ombudsman's recommendations	100%	No recommendations due for compliance	100%
Satisfactory remedies provided by the authority	0	No detailed investigations upheld	0

- 5.2 The Ombudsman upheld one complaint with a finding of maladministration causing injustice. The complainant had complained that the Council did not award his business a grant under the Small Business Grant scheme (payable during the pandemic). The Ombudsman found that the Council had not properly assessed the complainant's liability to pay business rates at his premises which led to injustice. The Council accepted that there had been an error, apologised, paid £200 in recognition of the complainant's distress and time and trouble and paid £10k to the complainant which sum reflected the grant that the complainant should have received under the Small Business Grant scheme. The Ombudsman was satisfied with the Council's response.
- 5.3 Officers in the team concerned believed that the decision made at the time was done so in good faith bearing in mind the complex and ambiguous guidance provided by BEIS. The business involved was not on the ratings list at the relevant time and the Council had no obligation to amend this in order to award a small business grant. The team were under immense pressure during this time and successfully delivered £70M amount of grants.
- 5.4 The following table provides a comparison of complaints and enquires received.  
(NB. categories are those used by the Ombudsman)



Year	Benefits and Tax	Corporate and other services	Environmental Services & Public Protection & Regulation	Highways and Transport	Housing	Planning and Development	Other	Total
2021/22	2	1	4	1	7	4	2	21
2020/21	2	1	4	4	1	3	0	15
2019/20	3	1	5	3	6	2	0	20
2018/19	0	1	4	0	5	10	0	20
2017/18	1	1	5	2	8	3	1	21
2016/17	2	0	2	0	5	7	0	16
2015/16	3	2	3	2	6	8	0	25

5.5 The following table provides a comparison of decisions made.

Year	Incomplete / Invalid	Advice Given	Referred back for Local Resolution	Closed after Initial Enquiries	Detailed Investigations			Total
					Not Upheld	Upheld	Uphold Rate	
2021/22	1	3	5	10	2	1	33%	22
2020/21	1	0	5	7	0	0	N/A	13
2019/20	2	0	9	6	3	1	25%	21
2018/19	2	1	4	10	3	3	50%	23
2017/18	1	2	8	5	4	1	20%	21
2016/17	0	1	4	5	2	1	33%	13
2015/16	2	3	12	4	1	1	50%	23

5.6 The following table shows Colchester's performance compared with other Borough, City and District Councils in Essex.

Name	Complaints Upheld % (numbers)	Compliance with recommendations	Satisfactory remedies provided by Council (numbers)
Basildon	67% (2)	100%	0% (0)
Braintree	50% (1)	None	100% (1)
Brentwood	75% (3)	100%	33% (1)
Castle Point	None	None	None
Chelmsford	None	None	None
Colchester	33% (1)	100%	0% (0)
Epping Forest	50% (2)	100%	0% (0)
Harlow	71% (5)	100%	0% (0)
Maldon	100% (1)	None	0% (0)
Rochford	33% (1)	None	100% (1)
Tendring	40% (2)	100%	0% (0)
Uttlesford	50% (2)	100%	0% (0)

## 6. Strategic Plan References

6.1 The lessons learnt from complaints to the Local Government & Social Care Ombudsman link in with our Strategic Plan aims to be efficient accessible, customer focused and always looking to improve. Having an effective complaints process helps us to achieve the Strategic Plan's themes of a Wellbeing, making Colchester an even better place to live and supporting those who need help most.

## **7. Publicity Considerations**

- 7.1 Details of the Annual Review Letter are published on the Local Government & Social Care Ombudsman's website and will also be published on the Council's website.

## **8. Financial, Equality, Diversity and Human Rights, Consultation, Community Safety, Health and Safety, Risk Management and Environmental and Sustainability Implications**

- 8.1 No direct implications.

Appendix 1 – Annual Review Letter 2022

# Local Government & Social Care OMBUDSMAN

20 July 2022

*By email*

Ms Donnelly  
Chief Executive  
Colchester Borough Council

Dear Ms Donnelly

## **Annual Review letter 2022**

I write to you with your annual summary of complaint statistics from the Local Government and Social Care Ombudsman for the year ending 31 March 2022. The information offers valuable insight about your organisation's approach to complaints. As such, I have sought to share this letter with the Leader of your Council and Chair of the appropriate Scrutiny Committee, to encourage effective ownership and oversight of complaint outcomes, which offer such valuable opportunities to learn and improve.

### **Complaint statistics**

Our statistics focus on three key areas that help to assess your organisation's commitment to putting things right when they go wrong:

**Complaints upheld** - We uphold complaints when we find fault in an organisation's actions, including where the organisation accepted fault before we investigated. We include the total number of investigations completed to provide important context for the statistic.

**Compliance with recommendations** - We recommend ways for organisations to put things right when faults have caused injustice and monitor their compliance with our recommendations. Failure to comply is rare and a compliance rate below 100% is a cause for concern.

**Satisfactory remedy provided by the authority** - In these cases, the organisation upheld the complaint and we agreed with how it offered to put things right. We encourage the early resolution of complaints and credit organisations that accept fault and find appropriate ways to put things right.

Finally, we compare the three key annual statistics for your organisation with similar authorities to provide an average marker of performance. We do this for County Councils, District Councils, Metropolitan Boroughs, Unitary Councils, and London Boroughs.

Your annual data, and a copy of this letter, will be uploaded to our interactive map, [Your council's performance](#), on 27 July 2022. This useful tool places all our data and information about councils in one place. You can find the detail of the decisions we have made about your Council, read the public reports we have issued, and view the service improvements your Council has agreed to make as a result of our investigations, as well as previous annual review letters.

### **Supporting complaint and service improvement**

I know your organisation, like ours, will have been through a period of adaptation as the restrictions imposed by the pandemic lifted. While some pre-pandemic practices returned, many new ways of working are here to stay. It is my continued view that complaint functions have been under-resourced in recent years, a trend only exacerbated by the challenges of the pandemic. Through the lens of this recent upheaval and adjustment, I urge you to consider how your organisation prioritises complaints, particularly in terms of capacity and visibility. Properly resourced complaint functions that are well-connected and valued by service areas, management teams and elected members are capable of providing valuable insight about an organisation's performance, detecting early warning signs of problems and offering opportunities to improve service delivery.

I want to support your organisation to harness the value of complaints and we continue to develop our programme of support. Significantly, we are working in partnership with the Housing Ombudsman Service to develop a joint complaint handling code. We are aiming to consolidate our approaches and therefore simplify guidance to enable organisations to provide an effective, quality response to each and every complaint. We will keep you informed as this work develops, and expect that, once launched, we will assess your compliance with the code during our investigations and report your performance via this letter.

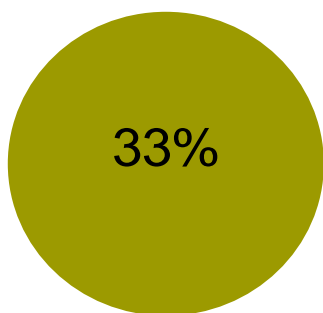
An already established tool we have for supporting improvements in local complaint handling is our successful training programme. We adapted our courses during the Covid-19 pandemic to an online format and successfully delivered 122 online workshops during the year, reaching more than 1,600 people. To find out more visit [www.lgo.org.uk/training](http://www.lgo.org.uk/training).

Yours sincerely,



Michael King  
Local Government and Social Care Ombudsman  
Chair, Commission for Local Administration in England

### Complaints upheld



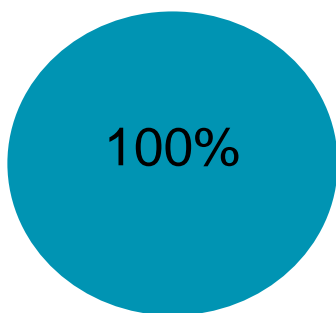
**33%** of complaints we investigated were upheld.

This compares to an average of **51%** in similar organisations.

**1**  
upheld decision

Statistics are based on a total of **3** investigations for the period between 1 April 2021 to 31 March 2022

### Compliance with Ombudsman recommendations



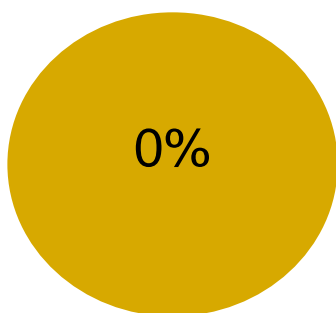
In **100%** of cases we were satisfied the organisation had successfully implemented our recommendations.

This compares to an average of **100%** in similar organisations.

Statistics are based on a total of **1** compliance outcome for the period between 1 April 2021 to 31 March 2022

- Failure to comply with our recommendations is rare. An organisation with a compliance rate below 100% should scrutinise those complaints where it failed to comply and identify any learning.

### Satisfactory remedy provided by the organisation



In **0%** of upheld cases we found the organisation had provided a satisfactory remedy before the complaint reached the Ombudsman.

This compares to an average of **20%** in similar organisations.

**0**  
satisfactory remedy decisions

Statistics are based on a total of **1** upheld decision for the period between 1 April 2021 to 31 March 2022



**18 October 2022**

<b>Report of</b>	<b>Assistant Director of Corporate and Improvement Services</b>	<b>Author</b>	<b>Hayley McGrath</b>
<b>Title</b>	<b>Health and Safety Report 2022</b>		<b>☎ 506579</b>
<b>Wards affected</b>	N/A		

## **1. Executive Summary**

- 1.1 This report provides members with an overview of the Council's Health and Safety activity during the year from 01 October 2021 to 30 September 2022.
- 1.2 The Health and Safety policy and processes are reviewed annually to ensure that they are still appropriate to the Council's needs and continue to be effective in managing the health and safety of staff and members of the public.
- 1.3 The Coronavirus pandemic continued to be a Health & Safety priority, especially for the initial part of the year but it was possible to undertake more project work this year including Fire Risk Assessments and Water Safety audits.
- 1.4 Whilst there has been an increase in the number of incidents being reported, no serious incidents occurred during the year.

## **2. Recommended Decisions**

- 2.1 Review the Health and Safety work undertaken between October 2021 and September 2022.
- 2.2 Approve the Health and Safety Policy for 2022/23.

## **3. Reason for Recommended Decision**

- 3.1 The Leader of the Council has the ultimate responsibility for the management and monitoring of health and safety provision across all the Council's undertakings. Cabinet are jointly and severally the primary duty holders for health and safety across the Council's undertakings.
- 3.2 The Health and Safety Policy is an integral part of the risk management process, which forms part of the policy framework. As such it is appropriate to provide an annual report on Health and Safety to the Governance and Audit Committee, to assist with the Committee's responsibility for reviewing the effectiveness of risk management.

## **4. Background Information**

- 4.1 Colchester Borough Council has general duties under the Health and Safety at Work etc. Act 1974 and specific duties under the Management of Health and Safety at Work Regulations 1999, to ensure that employees, and others who may be affected, can work safely without risk to their safety or health.

- 4.2 Overall responsibility for Health and Safety rests with Cabinet but is overseen by the Chief Operating Officer and managed by the Corporate Health and Safety Officer and Designated Officers within services, who form the Health and Safety Committee.
- 5. Summary of Work Undertaken – October 2021 to September 2022.**
- 5.1 The Coronavirus pandemic continued to impact Health and Safety priorities, especially at the beginning of the year, and Covid-19 focused health and safety support and guidance to the Council included:
- Providing updates on key changes and requirements from latest guidance to services, managers, and staff and to ensure offices and customer sites remained Covid-secure
  - Reviewing CBC H&S arrangements to ensure suitable for the new and continued ways of alternative working across the Council
  - Ensuring adequate supply and resupply of personal protective equipment (PPE) and hand sanitiser to services/teams and CBC corporate sites
- 5.2 There is a rolling programme of Fire Risk Assessments for all corporate buildings (primarily used as CBC staff workplaces) which are undertaken by an external Fire Safety Consultant. Seven properties were inspected during the period, the reports and any recommendations are collated into an action plan for site managers, which is overseen by the Corporate Health & Safety Officer. No significant issues have been identified, with recommendations primarily relating to record keeping, training and fire drills. All have been accepted and are being implemented.
- 5.3 The Rowan House refurbishment includes fire safety improvements including new alarm detectors/sounders and emergency lighting.
- 5.4 Additional short course training for staff was organised, including a recognised qualification for the Executive Management Team, to support their role as health and safety ambassadors, and Health and Safety training for managers, to provide them with the knowledge and practical actions they need to comply with their H&S responsibilities.
- 5.5 A central objective of the UK Drowning Prevention Strategy, which aims to reduce accidental drowning fatalities in the UK by 50 per cent by 2026, is to ensure that areas of open water are risk assessed to identify safety provisions needed. A water safety consultant has reviewed over thirty water ways and open water areas for which the council has responsibility. This ranges from the boating lake in Castle Park through to the coastline at West Mersea. Fifty-nine recommendations have been made, the majority relate to improving signs and providing on-line information. None of the recommendations required emergency actions.
- 5.6 The Corporate Health and Safety Officer and Corporate Governance Manager conducted an unannounced visit to the Shrub End depot to test the response of the Waste & Recycling team to a hypothetical incident involving a waste collection vehicle and a pedestrian. The exercise highlighted some improvements required to the review of driver paperwork by team leaders and accessibility of records, such as evidencing training provided.
- 5.7 The health and safety committee meetings continued every quarter, virtually using Teams. The agendas included updates on corporate items such as findings from incident reports/investigations, training and guidance updates. Specific areas of concern were also reviewed including covid safety measures and mental health support for staff.



- 5.8 Two lone working monitoring solutions – a GPS connected device or smartphone app – continue to be offered to staff. They link to a monitoring centre staffed by the supplier, who can provide assistance as necessary. These products are reactive and therefore an addition to proactive safety measures already in place such as training, following best safety practices and working in pairs. The smartphone app continues to be popular with 32 users (compared to 26 lone worker devices). Having availability to choose between the app and device from the supplier, allows teams to choose the best option for them.
- 5.9 880 health & safety incidents and near misses, involving both staff and members of the public, were reported across the Council during the period, compared to 490 last year.
- 5.10 The majority of these have come from the leisure centres, and include all reports of members of the public sustaining an injury playing sport, such as twisted ankles. The service with the second highest level of reports was Neighbourhoods, primarily due to the physical nature of the work that is undertaken. The Corporate Health & Safety Officer has been working closely with the Neighbourhoods teams to monitor Health & Safety issues, identifying trends and training needs, to improve resilience and ensure healthy working environments.
- 5.11 There were no serious incidents reported this year. Serious incidents are notifiable to the Health and Safety Executive and are often referred to as “RIDDOR incidents”. Last year (20/21) there was 1 RIDDOR incident (staff fractured wrist on moving bin lift), and previously 2, 4 and 6 in 2019/20, 2018/19 and 2017/18 respectively.
- 5.12 Near miss reporting continues to be encouraged and promoted, and actively reported by staff and managers, helping resolve any concerns or issues before they become a potential incident and/or injury. The increase in the number of near misses being reported has contributed to the overall increase in reported incidents.

## **6. Health & Safety Policy 2022/23**

- 6.1 The Health and Safety policy sets out the Council’s commitment to managing health and safety risks, organisation structure and the individual responsibilities, at all levels of the organisation.
- 6.2 The policy (appendix A) is supported by a set of arrangements that detail what the Council will do in practice to achieve the aims set out in the health and safety policy and successfully manage health and safety. Services supplement these arrangements with their own additional health and safety procedures where necessary for example due to the specific or higher risks involved in their work.
- 6.3 The policy is still considered suitable and sufficient and has been updated to include the new Leader and Chief Executive on the H&S statement and to reflect the latest organisation structure.

## **7. Equality, Diversity and Human Rights implications**

- 7.1 Equality Impact Assessment (EIA) [link](#)

## **8. Strategic Plan References**

- 8.1 The failure to adequately identify and manage health and safety issues will affect the ability of the Council to achieve its strategic objectives.

## **9. Consultation**

9.1 Details of consultation is included in Document Information section of the policy.

## **10. Health and Safety Implications**

10.1 The failure to adequately identify and manage health and safety issues may have an impact on the ability of the Council to deliver effective services.

## **11. Risk Management Implications**

11.1 The failure to adequately identify and manage health and safety issues may have an impact on the ability of the Council to deliver effective services.

## **12. Environmental and Sustainability Implications**

12.1 There are no environmental or sustainability implications as a result of this report.

## **13. Standard References**

13.1 There are no particular references to publicity considerations or financial, wellbeing and community safety implications.

## **Appendices**

Appendix A: Health and Safety Policy 2022/23



Colchester  
Borough Council

Colchester Borough Council

# Health and Safety Policy

**2022/2023**

[www.colchester.gov.uk](http://www.colchester.gov.uk)

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## 1. INTRODUCTION

This policy sets out our commitment to the health, safety and wellbeing of those working for Colchester Borough Council and anyone else who interacts with the services that we provide.

As an employer, we are aware of our general duties under the Health and Safety at Work etc. Act 1974 and our specific duties under the Management of Health and Safety at Work Regulations 1999. Where additional legislation relates to the activities that we are carrying out we will also ensure that our duties are fulfilled and our employees and others who may be affected can work safely without risk to their safety or health.

We will monitor and review this policy and associated documentation as necessary, at least every three years, unless any significant changes occur in the meantime.

*“Colchester Borough Council is committed to the health, safety and wellbeing of its employees, customers and anyone who interacts with our services. We strive to create an environment in which our employees feel that their health, safety and wellbeing is integral to the organisation. We encourage everyone to be part of this positive culture so that we can continue to improve our standards throughout the organisation.”*

## 2. STATEMENT

Colchester Borough Council is fully committed to complying with its statutory duties under the Health and Safety at Work etc. Act 1974 and associated legislation. The Council values the health, safety and wellbeing of its employees and will take all reasonably practicable measures to ensure a safe and healthy working environment for all employees, contractors, the public and others that may be affected by its activities.

The Council recognises that good health, safety, and wellbeing is integral to our organisational and business performance and our service delivery decisions will always consider the impact on health, safety, and wellbeing. This will help to deliver the Council's philosophy of a positive safety culture.

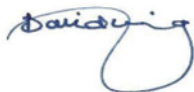
The Council will maintain an appropriate health and safety management system and organisation structure to support its statutory duties. We will:

- Assess risks and put adequate control measures in place
- Consult with employees on matters affecting their health and safety
- Provide and maintain a safe place of work with safe plant, equipment and personal protective equipment
- Ensure safe use, handling and storage of substances
- Provide information, instruction, training and supervision for employees to ensure that they are competent to carry out their tasks safely
- Prevent incidents, injuries and cases of work-related ill-health
- Maintain safe and healthy working conditions

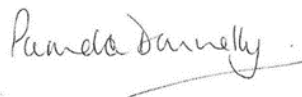
All employees are required to follow this health and safety policy at all times and adhere to their own statutory requirements. We encourage any feedback on health and safety in the workplace and will actively seek to rectify any areas of concern.

All contractors and others working for Colchester Borough Council or providing our services are required to maintain health and safety standards in accordance with this health and safety policy, or their own where applicable.

The effectiveness of this policy will be monitored and reviewed as necessary, at least every three years or when circumstances otherwise dictate.



Councillor David King  
Leader of the Council

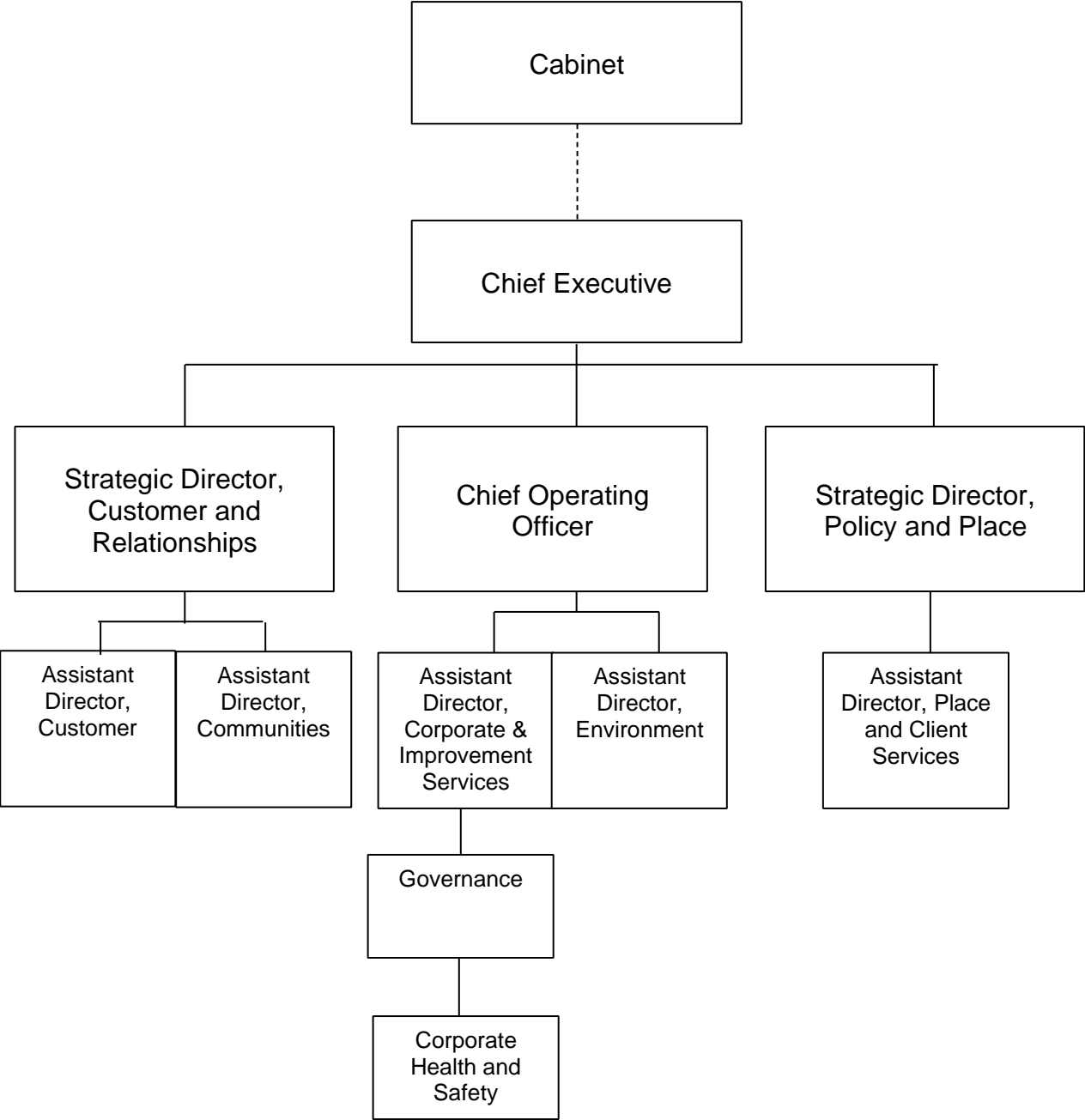


Pamela Donnelly  
Chief Executive

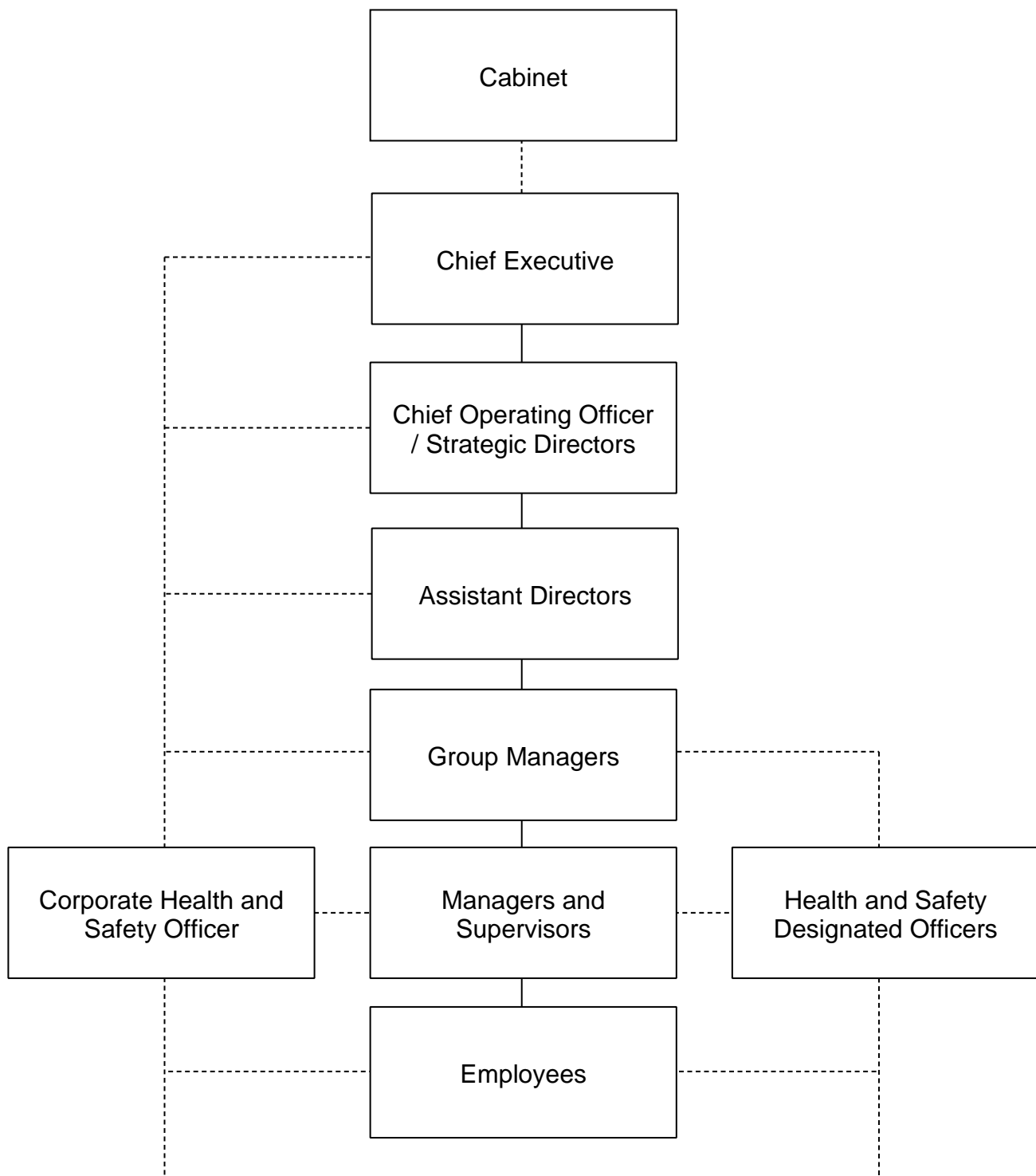
September 2022

3. ORGANISATION

3.1 Organisation Structure



### 3.2 Organisation Health and Safety Responsibilities





## **4. RESPONSIBILITIES**

### **4.0 Leader of the Council and Cabinet**

The Leader of the Council has the responsibility for the management and monitoring of health and safety provision across the whole of the Council's undertakings. Cabinet are jointly and severally the primary duty holders for health and safety across the Council's undertakings.

1. Ensure that adequate financial and other resources are provided, so that the health and safety policy can achieve its aims.
2. Give due regard to requests from the Chief Executive for financial and other resources to meet statutory duties and other obligations regarding health and safety management.
3. Ensure that the Chief Executive has in place an effective health and safety policy and management system, which will ensure that all health and safety hazards and risks within the Council are adequately controlled.
4. Require the Chief Executive to be able to confirm, during the reporting period; health and safety performance, any major incidents or failure in the health and safety management system, accident history and key improvements to health and safety that have been implemented.

## 4.1 Chief Executive

1. Overall responsibility for health and safety throughout the Council.
2. Support other duty holders to fulfil their health and safety responsibilities.
3. Preparation of an effective health and safety policy statement, organisation for carrying out that policy, measures for ensuring that it is implemented and communicated to all employees.
4. Ensure that this health and safety policy is reviewed, at least every three years or when circumstances otherwise dictate.
5. Ensure that health and safety is given an appropriately high priority and is not compromised, so putting employees or other persons at risk to their health and safety.
6. Ensure that the Executive Directors are aware of the health and safety policy and understand their responsibilities for effective health and safety management.
7. Ensure that the Executive Directors implement the policy through effective local arrangements and suitable monitoring arrangements.
8. Ensure that adequate financial and other resources are available to meet statutory duties and requirements of this health and safety policy.
9. Ensure that the Council has appointed a competent Corporate Health and Safety Officer for the purpose of advising on meeting its statutory duties and for advising and monitoring on health and safety.
10. Fulfil the responsibilities of the Executive Directors if services are under their direct management.
11. Set a personal example at all times with respect to health and safety.

## **4.2 Chief Operating Officer (with Responsibility for Health and Safety)**

1. Support other duty holders to fulfil their health and safety responsibilities.
2. Accountable to the Chief Executive for health and safety within all Services.
3. Ensure that their Assistant Directors are aware of the health and safety policy and understand their responsibilities for effective health and safety management.
4. Provide leadership on health and safety and support and promote continuous improvement programmes.
5. Lead the provision and function of the health and safety committee.
6. Monitor health and safety performance at Executive Management Team through quarterly updates, an annual review and ensuring health and safety is an agenda item.
7. Ensure that there is sufficient financial or other resource for effective health and safety management and identify any short falls in resources that may negatively impact health and safety.
8. Provide support to the Corporate Health and Safety Officer and Health and Safety Designated Officers.
9. Ensure that if any serious health and safety occurrence or failure in health and safety occurs, the relevant person/s are held accountable for any deficiency in fulfilling their responsibilities under the health and safety policy and will be required to demonstrate to the Executive Management Team, remedial actions have been implemented to prevent a similar reoccurrence.
10. Set a personal example at all times with respect to health and safety.

### 4.3 Strategic Directors

1. Support other duty holders to fulfil their health and safety responsibilities.
2. Accountable to the Chief Executive for health and safety within their Services.
3. Ensure that their Assistant Directors are aware of the health and safety policy and understand their responsibilities for effective health and safety management.
4. Support and promote health and safety continuous improvement programmes.
5. Support the provision and function of the health and safety committee.
6. Monitor health and safety performance at Executive Management Team through quarterly updates, an annual review and ensuring health and safety is an agenda item.
7. Ensure that there is sufficient financial or other resource for effective health and safety management and identify any short falls in resources that may impact health and safety.
8. Ensure that if any serious health and safety occurrence or failure in health and safety occurs, the relevant person/s are held accountable for any deficiency in fulfilling their responsibilities under the health and safety policy and will be required to demonstrate to the Executive Management Team, remedial actions have been implemented to prevent a similar reoccurrence.
9. Set a personal example at all times with respect to health and safety.

## 4.4 Assistant Directors

1. Support other duty holders to fulfil their health and safety responsibilities.
2. Accountable to the Chief Operating Officer or Strategic Director for health and safety within their Services.
3. Ensure that their Group Managers are aware of the health and safety policy and understand their responsibilities for effective health and safety management.
4. Support the development, modification and delivery of a health and safety management system and ensure local process compliance.
5. Support and promote health and safety continuous improvement programmes.
6. Monitor and review health and safety processes and performance in their Services, and include appropriate health and safety actions within relevant strategies and business plans.
7. Ensure that there is sufficient financial or other resource for effective health and safety management and identify any short falls in resources that may impact health and safety.
8. Identify health and safety training needs for their Service and ensure this follows the health and safety training matrix and is in line with the Council and legislative requirements.
9. Ensure that their Group Managers have suitable and sufficient risk assessments in place to eliminate or control and reduce risks to acceptable levels including those required under relevant statutory provisions and ensure these are supported by method statements where required.
10. Ensure that for any premises under their direct control and management, adequate arrangements are in place for fire safety management and supported by a suitable and sufficient fire risk assessment completed by a competent person.
11. Ensure there is a process to employ competent contractors with the correct skills, knowledge, attitude, training and experience.
12. Ensure that all materials, plant, vehicles, equipment and personal protective equipment procured for use comply with legislation, commercial and any other specific standards which ensure that it is safe and without risk to health when used correctly.
13. Support the carrying out of regular health and safety audits and inspections and ensure the outcomes of these are completed within the agreed timescales.
14. Ensure that if any serious health and safety occurrence or failure in health and safety occurs, the relevant person/s are held accountable for any deficiency in fulfilling their responsibilities under the health and safety policy and will be required

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to demonstrate to the Executive Management Team, remedial actions have been implemented to prevent a similar reoccurrence.

15. Set a personal example at all times with respect to health and safety.

## 4.5 Group Managers

1. Support other duty holders to fulfil their health and safety responsibilities.
2. Accountable to the Assistant Directors for health and safety within their Services.
3. Ensure that their Managers and Supervisors are aware of the health and safety policy and understand their responsibilities for effective health and safety management.
4. Ensure compliance with the local health and safety management system by assigning levels of responsibility to relevant competent persons as required.
5. Support and promote health and safety continuous improvement programmes.
6. Monitor and review health and safety processes and performance in their areas of remit and ensure regular health and safety audits and inspections are carried out and outcomes of these are completed within the agreed timescales.
7. Ensure suitable and sufficient risk assessments are in place to eliminate or control and reduce risks to acceptable levels including those required under relevant statutory provisions and ensure these are supported by method statements where required.
8. Ensure that all accidents, incidents and near misses that are work-related or happen on council premises are reported using the online incident report form as soon as possible and no more than 5 days after the accident or incident and an appropriate investigation takes place promptly with remedial actions implemented to prevent a similar occurrence.
9. Ensure that all employees within their group have appropriate information, instruction and training that follows the health and safety training matrix and is in line with the Council and legislative requirements.
10. Ensure that competent contractors with the correct skills, knowledge, attitude, training and experience are employed.
11. Set a personal example at all times with respect to health and safety.

The following may also apply, depending on their specific responsibilities:

12. Ensure that for any premises under their direct control and management, adequate arrangements are in place for fire safety management and supported by a suitable and sufficient fire risk assessment completed by a competent person.
13. Ensure that workplace welfare, housekeeping and general safety requirements are effectively managed.
14. Ensure that all materials, plant, vehicles, equipment and personal protective equipment procured for use comply with legislation, commercial and any other specific standards which ensure that it is safe and without risk to health when used correctly.
15. Ensure that all plant, vehicles and equipment is adequately maintained and subjected to statutory examinations where appropriate and relevant records are kept.
16. Ensure that all employees within their group are provided with the correct level of personal protective equipment as identified by risk assessments and that it is maintained or replaced when necessary.
17. Ensure that arrangements are implemented in respect to the requirements of the Construction (Design and Management) Regulations 2015.
18. Ensure health and safety is considered during tender of new contracts and contractors employed are competent with suitable health and safety arrangements in place. Monitor and review contractors' health and safety processes and performance.

## **4.6 Managers and Supervisors**

1. Support other duty holders to fulfil their health and safety responsibilities.
2. Accountable to their Group Manager for health and safety within their Services.
3. Read, understand and implement the requirements of the health and safety policy and health and safety management system.
4. Support and promote health and safety continuous improvement programmes and regularly communicate with employees on health and safety issues.
5. Monitor and review health and safety processes and performance in their areas, teams and premises and ensure regular health and safety audits and inspections are carried out and outcomes of these are completed within the agreed timescales.
6. Ensure that the requirements of risk assessments and method statements are implemented, in place during work and communicated to all employees within their team.
7. Ensure that all employees within their group have appropriate information, instruction and training that follows the health and safety training matrix and is in line with Council and legislative requirements.
8. Not to put any person at an unacceptable risk during the course of work and stop work where any new hazards are identified until the risk has been assessed and controlled and if required reduced to an acceptable level.
9. Ensure that all plant, vehicles and equipment are adequately maintained so it is safe for use and any defective plant, vehicles and equipment is withdrawn from use immediately.
10. Ensure that all employees within their team have the correct level of personal protective equipment as identified by risk assessments and that it is maintained or replaced when necessary.
11. Receive, review and remedy any concerns in respect to health and safety. When concerns cannot be resolved at a local level, they shall be referred to the Group Manager and if still unresolved to the Corporate Health and Safety Officer.



## **4.7 Corporate Health and Safety Officer**

1. Support other duty holders to fulfil their health and safety responsibilities.
2. Review, develop and communicate the health and safety policy and management system in conjunction with other responsible duty holders.
3. Provide competent advice in relation to all health and safety matters and ensure duty holders are kept up-to-date on all relevant health and safety issues.
4. Ensure own competence is maintained through continual professional development.
5. Identify key health and safety training needs and advise on methods of implementation and delivery.
6. Provide a pro-active resource for the development and delivery of health and safety inspections and audits on an agreed programme basis.
7. Provide a reactive resource for the reporting, recording and investigating of accidents and incidents and provide statistical information to the health and safety committee.
8. Provide corporate safety initiatives and ensure there is a continual improvement programme for effective health and safety management and advise on the implementation of programmes.
9. Attend health and safety committee meetings and other relevant health and safety groups and provide guidance and advice where required.
10. Review the performance of health and safety within the Council as a whole, in conjunction with the Executive Management Team.
11. Provide a report to the Executive Management Team on a regular basis which details health and safety performance and update the Executive Director with health and safety responsibilities on all significant health and safety matters.
12. Ensure there is a continual improvement programme for effective health and safety management.
13. Provide a useful and relevant information service, with documents to assist others with their duties and ensure information is updated on a regular basis.
14. Communicate with and provide support, direction and guidance to Health and Safety Designated Officers and ensure they provide support on health and safety matters to duty holders within their area of remit in accordance with their responsibilities.

15. Support duty holders with enforcement agency requests for information, visits and inspections and if required, be the primary point of communication with relevant enforcement agencies.
16. Set a personal example at all times with respect to health and safety.

#### **4.8 Designated Officers for Health and Safety**

1. Support other duty holders within their areas of remit to fulfil their health and safety responsibilities.
2. Read, understand and implement requirements of the health and safety policy and health and safety management system.
3. Be the initial point of contact for health and safety guidance to colleagues and managers in their service area and refer to the Corporate Health and Safety Officer for advice and guidance as appropriate.
4. Support and promote health and safety continuous improvement programmes and regularly communicate with employees on health and safety issues, encouraging suggestions for improvement from colleagues and encourage them to report any health and safety concerns.
5. Attend all health and safety committee meetings or ensure that a suitable deputy attends if unavailable and prepare a report as required.
6. Support other duty holders ensuring that all employees within their responsibility have appropriate information, instruction and training that follows the health and safety training matrix and is in line with legislation.
7. Carry out health and safety review and monitoring as agreed with the Corporate Health and Safety Officer and ensure regular health and safety audits and inspections are carried out and outcomes of these are completed within the agreed timescales.
8. Set a personal example at all times and act as an ambassador with respect to health and safety.

*Managers, at all levels, are responsible for the health and safety of their team - this cannot be delegated. However the Designated Officers can support and assist Managers with meeting their obligations.*

## 4.9 Employees

1. Support other duty holders to fulfil their health and safety responsibilities.
2. Read, understand and comply with the requirements of the health and safety policy and health and safety management system.
3. Take reasonable care of the health and safety of themselves and others who may be affected by their acts and or omissions.
4. Work safely at all times, in accordance with the information, instruction, training, risk assessments and method statements provided.
5. Use the correct plant, vehicles, equipment and materials for tasks and keep them in good condition and never use anything for which it is not intended or they are not trained or competent to use.
6. Comply with all safety control measures appropriately, including any personal protective equipment issued and never intentionally or recklessly interfere with or misuse anything provided in the interest of health and safety.
7. Attend and participate in all training provided in the interest of health and safety.
8. Report immediately to their Manager or Supervisor any accidents, incidents, verbal abuse, near misses, occupational diseases and health and safety concerns, including defects to personal protective equipment, plant, vehicle, equipment and material, and any hazards or risks believed to be inadequately controlled.
9. Set a personal example at all times with respect to health and safety.

## 5. DOCUMENT INFORMATION

<b>Title:</b>	Health and Safety Policy
<b>Status:</b>	Draft for Cttee
<b>Version:</b>	12
<b>Consultation:</b>	SMT, Health and Safety Committee, and Unison
<b>Approved By:</b>	SMT and Governance and Audit Committee
<b>Approval Date:</b>	To be considered October 2022
<b>EQIA:</b>	Yes - <a href="#">link</a>
<b>Review Frequency:</b>	Annually or earlier if notable changes occur

### 5.1 Document Control

Date	Version	Description	Sections Affected	Approved by
September 2015	1	Initial draft	All	
April 2016	2	Updated draft. Moved arrangements to separate document.	All except 1 and 2	
June 2016	3	Updated following SMT meeting.	4.0 and 4.9	SMT
July 2016	4	Final draft version - Signatures added	2	Leader of Council and Chief Executive
August 2016	5	Minor amendments following Unison consultation. Final version.	2, 4.1, 4.3, 4.4, 4.5,	Unison and Executive Director
October 2016	6	Review and endorse the revised Health and Safety policy for 2016/17.	All	Governance and Audit Committee
October 2017	7	Annual review. Organisation structure and job titles updated. Minor amendments to improve comprehension.	All	Corporate Health and Safety Officer
June 2018	8	Updated statement with new leader's signature to approve commitment. Updated structure to include Commercial.	2, 3.1	Corporate Health and Safety Officer, and Leader of Council and Chief Executive

October 2018	8.1	Approved Policy for 2018/19	None	Governance and Audit Committee
October 2019	9	Approved Policy for 2019/20.	3.1, 4.2	Governance and Audit Committee
		Updated organisation structure and responsibility for H&S to CEO from Strategic Director		
October 2020	10	Approved Policy for 2020/21. Updated organisation structure.	3.1	Governance and Audit Committee
October 2021	11	Approved Policy for 2021/22. Updated: <ul style="list-style-type: none"> <li>• H&amp;S Statement agreed by new Council leader.</li> <li>• Organisation structure.</li> <li>• Policy review timings clarified.</li> </ul>	2, 3.1	Governance and Audit Committee
October 2022	12	Draft Policy for 2022/23. Updated: Change of Leader and Chief Executive.	2	Awaiting Governance and Audit Committee approval.



18 October 2022

**Report of** Chief Operating Officer

**Author** Paul Cook  
☎ 505861  
Zoey Latham  
☎ 505843

**Title** Treasury Management – Annual Review 2021/22  
**Wards affected** Not applicable

## 1 Executive Summary

- 1.1 This report is part of the cycle of monitoring treasury management and covers all the borrowing and investment activities of the Council.
- 1.2 Where internal funds were available, treasury strategy during 2021/22 was to borrow internally. This was influenced by the low investment rates on offer during 2021/22.
- 1.3 The investment policy reflected the Council's low appetite for risk. The financial year continued the challenging low return investment environment of previous years. The Council's investments at the end of the year totalled £71.9m as set out in Confidential Appendix A.
- 1.4 The Council employed the Link Group in 2021/22 to provide a treasury management consultancy service including advice on borrowing, investments, counterparty credit details and general capital accounting information. The service included treasury training, market updates and real time credit information. Link also advised on proposed government accounting and funding changes. Performance is assessed by the promptness of market updates, feedback on training events and the quality of briefings on new developments. Their performance was good in 2021/22 and enabled the Council to deliver successfully its treasury management strategy.

## 2 Recommendations

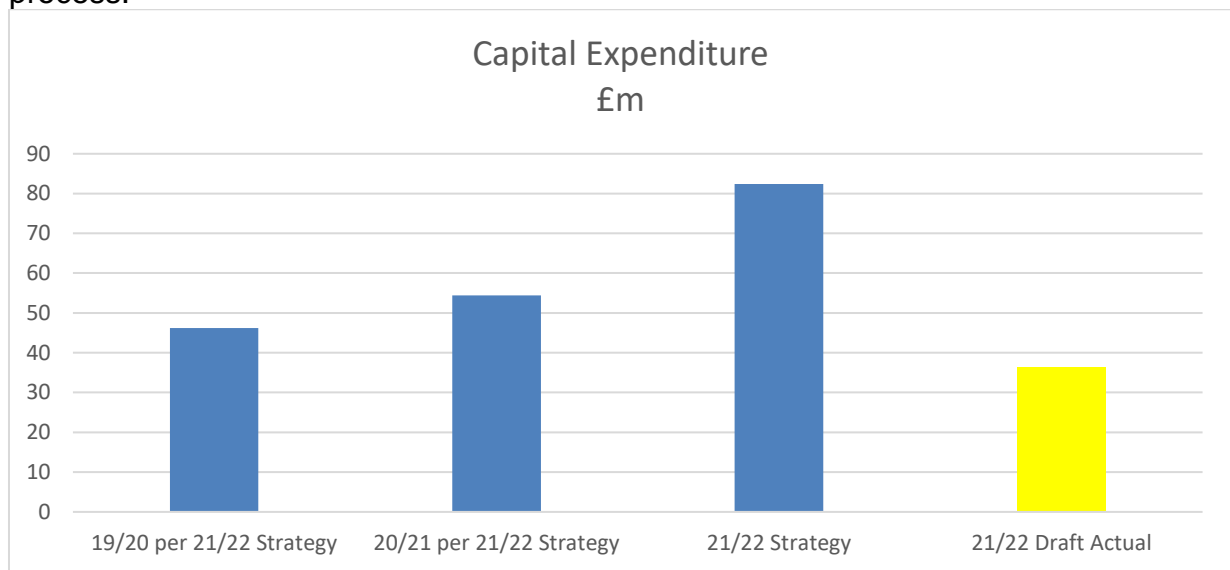
- 2.1 To approve the Treasury Management Annual Review for 2021/22.

## 3 Reason for report

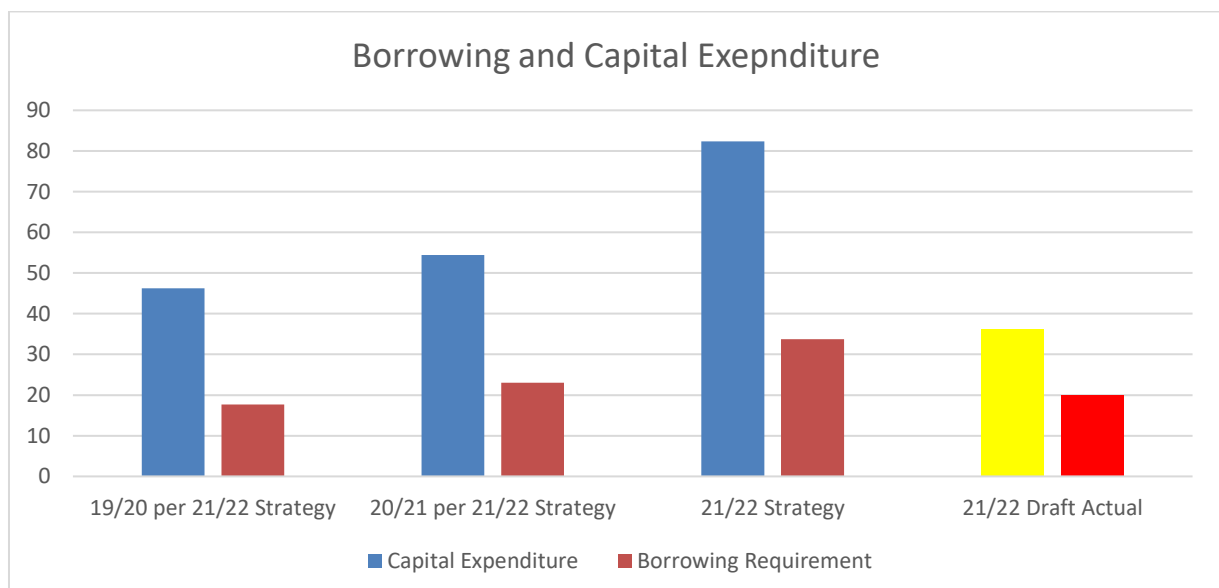
- 3.1 Due to delays in completion of the 2021/22 audit, the figures for final capital expenditure and capital financing requirements set out in this report are provisional. It is not expected any variations will arise when the accounts are ultimately signed off by BDO, but if so, the Committee will be updated.
- 3.2 The CIPFA Treasury Management Code of Practice requires the Council to produce three main reports each year, of which this is the final report for 2021/22.
  - the Treasury Management Strategy Statement
  - the Mid-Year Treasury Management Report
  - the Annual Treasury Management Review (this report)

## 4 Treasury Management Review 2021/22

- 4.1 The Council used Link as its external treasury management advisors.
- 4.2 Responsibility for treasury management decisions remained with the Council and undue reliance was not placed upon external advisors. Decisions used available information including external advice.
- 4.3 The Council's capital expenditure plans were the key driver of treasury.
- 4.4 The Capital Expenditure Prudential Indicator compares 21/22 capital expenditure to the Council's capital expenditure plans set out in its 21/22 Treasury Management Strategy. The lower level of expenditure reflects the impact of Covid and delays to some large projects. This was set out in full in the 21/22 capital outturn report to the Committee in September. Future years' capital plans will be determined in the 2023/24 budget process.

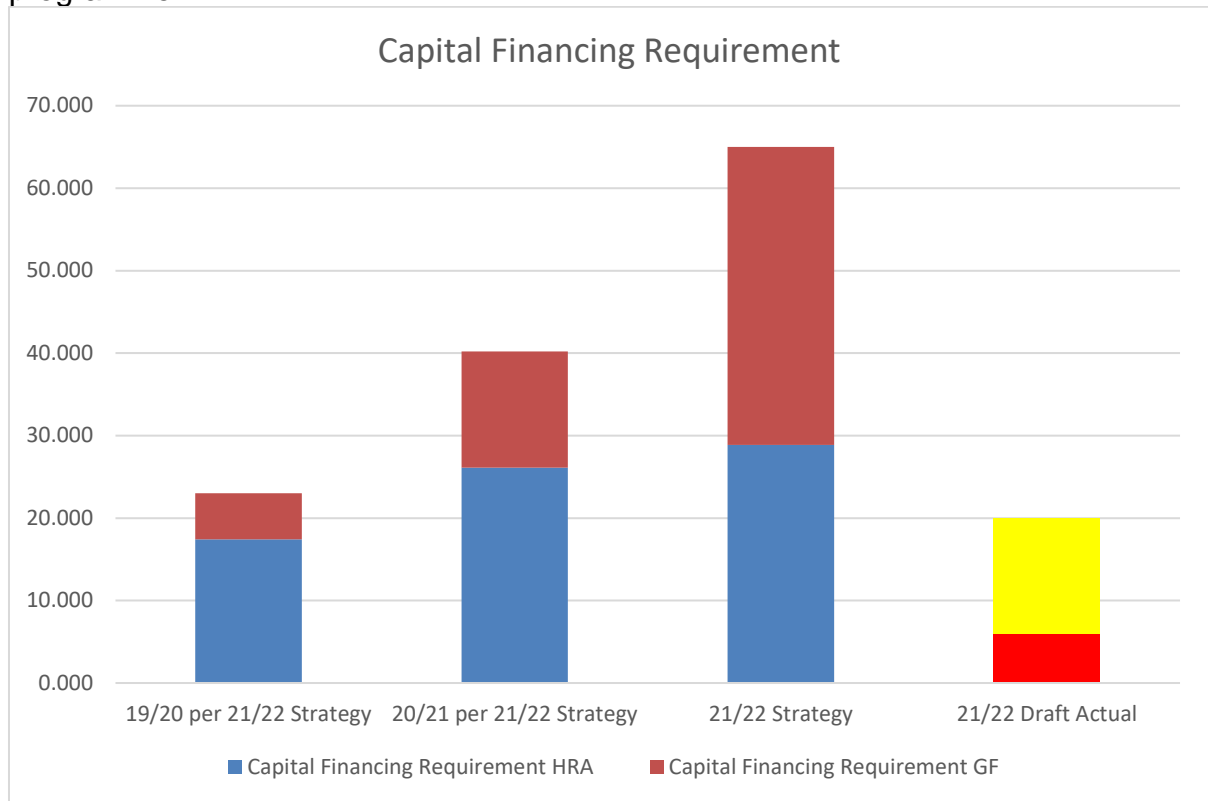


- 4.5 The chart below shows planned and actual changes in the Council's borrowing requirement to fund capital expenditure. Again, the lower than planned level reflects delays in the capital programme.

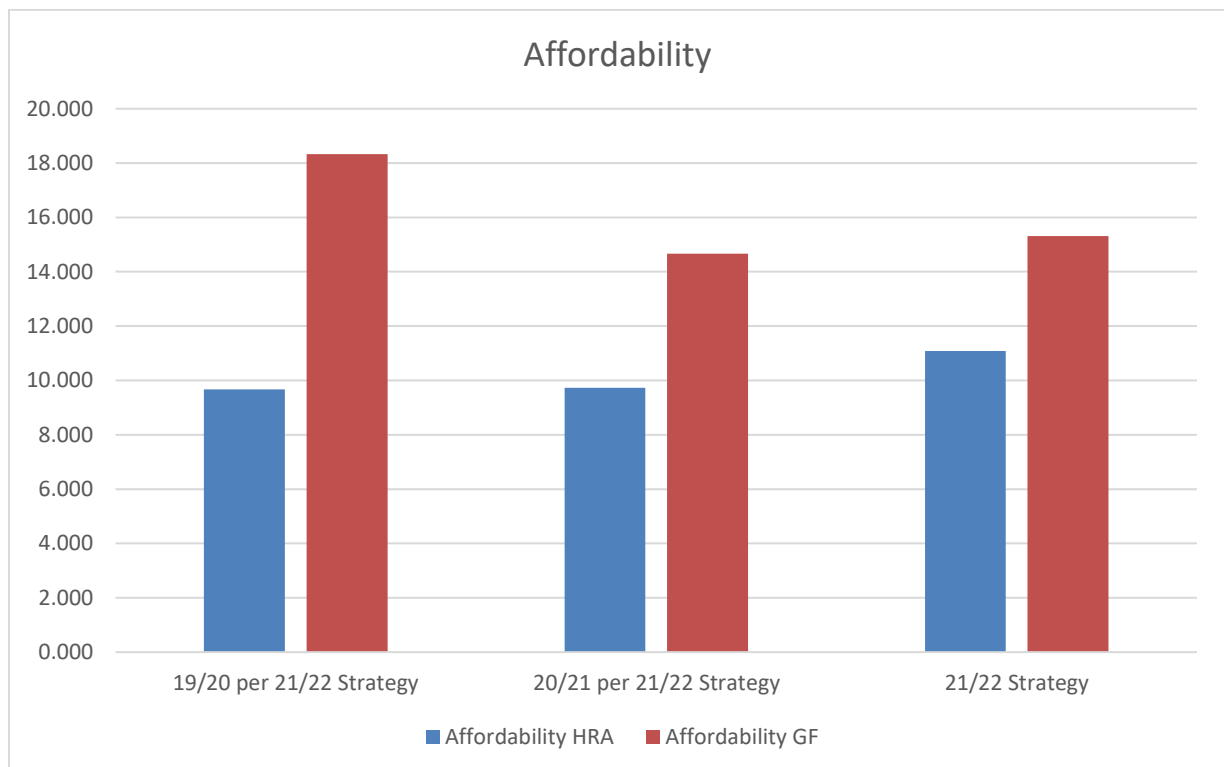




- 4.6 Capital Financing Requirement projections are set out below, with a breakdown of the annual movement. Again, the lower than planned level reflects delays in the capital programme.



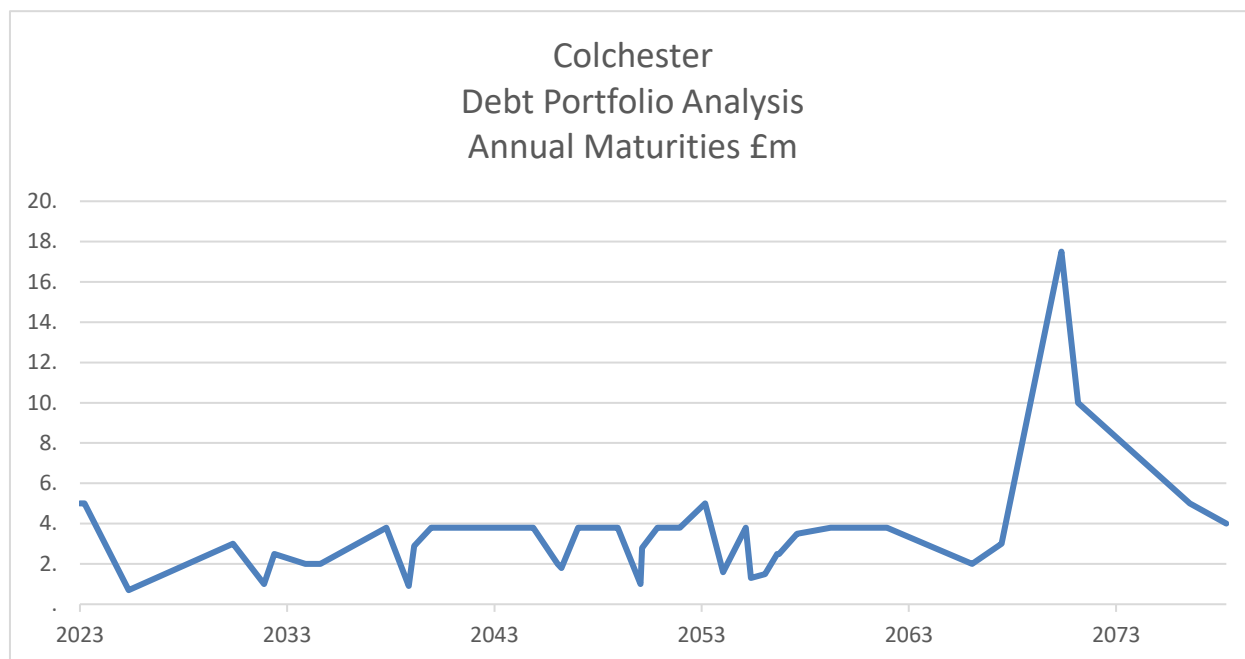
- 4.7 Due to low spending on the capital programme the affordability indicator (the cost of borrowing as a percentage of the Council's net revenue stream) is substantially below the strategy level. This indicator will need to be rebased in setting the 2023/24 Capital Programme.



4.8 The tables below set out 2021/22 performance on other Treasury Management Strategy Prudential Indicators. It is not now expected new borrowing will be required in 2022/23 as maturing loans will be replaced by reduced external investments. The maturity profile as at August 2022 is shown in the table.

Indicator	2020/21	2021/22 Strategy	2021/22 Actual	Comments
	£m	£m	£m	
Creditworthiness	Link creditworthiness system			All investments within policy
Country Limits		AA-		All investments within policy
Non-UK not to exceed		£15m		All investments within policy
Return on in-house funds.	0.23%	0.50%	0.11%	Reduced return due to low interest rates. Investment rates have significantly increased in 2022/23

Indicator	2020/21	2021/22 Strategy	2021/22 Actual	Comments
	£m	£m	£m	
Authorised Borrowing Limit	169,944	262,835	166,594	Actual borrowing was lower than forecast due to underspending on the 21/22 capital programme. Details reported to 6 Sep 2022 G&A Committee
Operational Boundary	169,944	250,835	166,594	Actual borrowing was lower than forecast due to underspending on the 21/22 capital programme.
Maturity Structure				
< 1 year	4.9%	15%	12.0%	Over time the period to maturity of existing loans decreases and may cause loans to be allocated to a different banding than the original allocation. The strategy limits exceed 100% in total allowing some flexibility to choose loan maturities.
1 to 2	8.8%	15%	0.0%	
2 to 5	0.4%	15%	0.4%	
5 to 10	1.8%	15%	1.8%	
10 to 20	13.4%	30%	13.6%	
20 to 30	22.3%	30%	22.8%	
30 to 40	21.7%	40%	22.1%	
40 to 50	21.4%	40%	21.8%	
50+		10%	5.4	
Average borrowing rate				
	3.52%		2.96%	



## **5 Strategic Plan references**

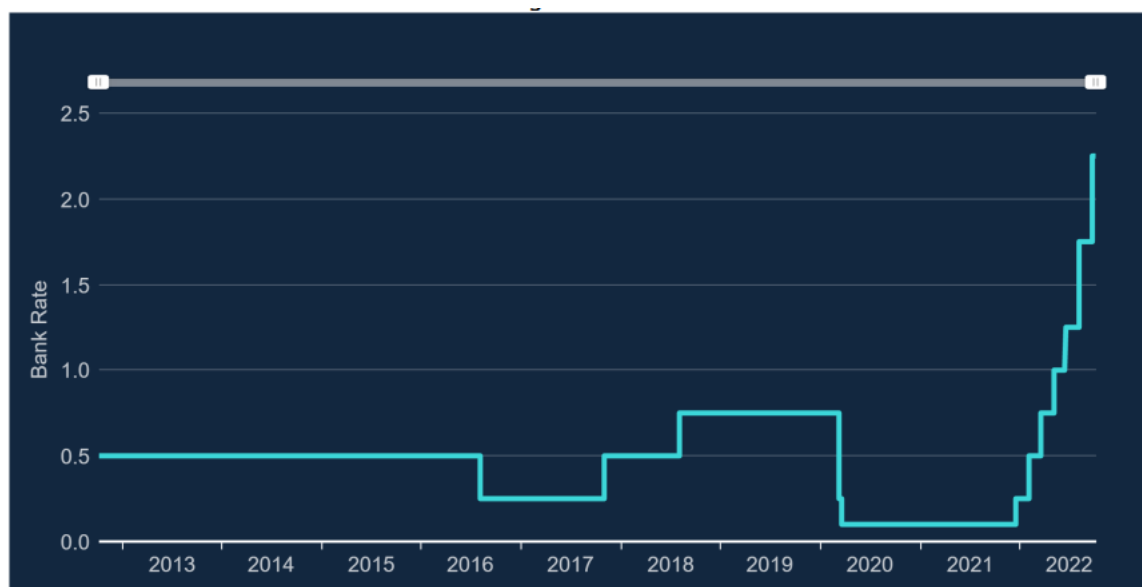
- 5.1 Prudent treasury management underpins the budget strategy required to deliver all Strategic Plan priorities.

## **6 Publicity considerations**

- 6.1 Appendix A to the annual report is confidential.

## **7 Financial implications**

- 7.1 Interest paid and earned on borrowing and investments is accounted for in the Central Loans and Investment Account (CLIA). Outturn figures for 2021/22 show a favourable variance of £551k, due primarily to underspending on the capital programme.
- 7.2 On 1 April 2021 bank rate stood at 0.1%. There were no Bank of England bank rate changes until quarter three when bank rate was increased by 0.15% to 0.25%. Two further bank rate increases in quarter four resulted in a bank rate of 0.75% at 31<sup>st</sup> March 2022.
- 7.3 The impact of bank rate changes after March 2022 will be addressed in 2022/23 monitoring reports, and in setting the 2023/24 Treasury Management Strategy.
- 7.4 This report covers the financial year 2021/22. However, the Committee will wish to be updated on 2022/23 given economic and interest rate changes. The Treasury Mid-year review for 2022/23 will be considered by the 22 November 2022 Committee.
- 7.5 Bank rate has increased since March 2022 (see the below table). Higher short term rates have improved forecast interest earnings on Council investments.



- 7.6 The Council's Treasury Management Strategy is not to borrow in advance of need. The Council's long-term borrowing to finance capital expenditure is held in fixed rate, long term Public Works Loan Board loans. Changes in gilt yields experienced over recent weeks will not therefore impact on the Council's borrowing costs in 2022/23. The Council does not borrow abroad, and recent currency market movements similarly will not affect borrowing costs directly.
- 7.7 Public Works Loan Board rates still represent good value in long maturities as the offered rates 7 October 2022 set out below demonstrate. It is not expected significant PWLB borrowing will be required until 2023 or 2024.

Standard New Loan Rates							
Period (years)	EIP		Annuity		Maturity		
	Rate	Change	Rate	Change	Rate	Change	
Over 41 not over 41½	5.51	(+0.02)	5.44	(+0.02)	5.17	(+0.03)	
Over 41½ not over 42	5.51	(+0.02)	5.43	(+0.01)	5.16	(+0.03)	
Over 42 not over 42½	5.51	(+0.02)	5.43	(+0.02)	5.15	(+0.03)	
Over 42½ not over 43	5.51	(+0.02)	5.42	(+0.02)	5.14	(+0.03)	
Over 43 not over 43½	5.51	(+0.02)	5.41	(+0.02)	5.14	(+0.03)	
Over 43½ not over 44	5.50	(+0.01)	5.40	(+0.01)	5.13	(+0.03)	
Over 44 not over 44½	5.50	(+0.02)	5.40	(+0.02)	5.12	(+0.03)	
Over 44½ not over 45	5.50	(+0.02)	5.39	(+0.02)	5.11	(+0.03)	
Over 45 not over 45½	5.50	(+0.02)	5.38	(+0.02)	5.11	(+0.04)	
Over 45½ not over 46	5.49	(+0.01)	5.37	(+0.01)	5.10	(+0.03)	
Over 46 not over 46½	5.49	(+0.02)	5.37	(+0.02)	5.09	(+0.03)	
Over 46½ not over 47	5.49	(+0.02)	5.36	(+0.02)	5.09	(+0.04)	
Over 47 not over 47½	5.49	(+0.02)	5.35	(+0.02)	5.08	(+0.03)	
Over 47½ not over 48	5.48	(+0.01)	5.34	(+0.02)	5.07	(+0.03)	
Over 48 not over 48½	5.48	(+0.02)	5.33	(+0.01)	5.07	(+0.04)	
Over 48½ not over 49	5.47	(+0.01)	5.33	(+0.02)	5.06	(+0.03)	
Over 49 not over 49½	5.47	(+0.02)	5.32	(+0.02)	5.06	(+0.04)	
Over 49½ not over 50	5.47	(+0.02)	5.31	(+0.02)	5.05	(+0.04)	

- 7.8 Borrowing requirements will be reviewed in resetting the capital programme for 2023/24 onwards. The 2023/24 Treasury Management Strategy will be reviewed by Scrutiny Panel as part of budget setting.

## **8 Risk management implications**

- 8.1 Risk Management is essential to effective treasury management. The Council's Treasury Management Policy Statement contains a section on treasury Risk Management.

## **9 Other standard references**

- 9.1 Having considered consultation, equality, diversity and human rights, community safety, and health and safety implications, there are none that are significant to the matters in this report.

## **Appendices**

Appendix A – Investment held as at 31<sup>st</sup> March 2022 (Confidential).

## **Background Papers**

Treasury Management Strategy 2021/22



**18 October 2022**

**Report of** Chief Operating Officer

**Author**  
**Paul Cook**  
**☎ 505861**  
**Jo Porter**

**Title** Capital Monitoring Report Quarter 2 2022/23

**Wards affected** Not applicable

## 1 Executive Summary

- 1.1 This report sets out the Council's Capital Programme against budget for quarter 2 financial year 2022/23. The Capital Programme includes projects delivering General Fund services, and the HRA Housing Investment Programme. It is a significant programme with a high level of investment benefitting the Borough, contributing towards the local economy, and working towards recovery.
- 1.2 In line with the Council's Financial Regulations a review of the schemes included in the capital programme is required on a quarterly basis.

## 2 Action Required

- 2.1 To review the progress on the Capital Programme as set out in this report, the associated spend for the first two quarters of 2022/23 and the budget forecasts for future years. To review the RAG rating for each scheme as rated by the relevant project manager.

## 3 Reason for Report

- 3.1 This report gives the Committee the opportunity to hold Service Managers and Portfolio Holders accountable for their budgets and the project delivery progress and outcomes.
- 3.2 The purpose of the report is to ensure:
- Spending on projects is within the agreed budgets,
  - Budgets are sufficient to enable timely project delivery and support the related service objectives.
  - The Council makes good use of its available capital resources, in accord with the Council's Treasury Management Strategy and associated statutory requirements.
  - Members have assurance that the key risks associated with the Capital Programme are being managed to ensure efficient and effective delivery of the programme.

## 4 Background Information

- 4.1 The Capital Programme was reset for 2022/23 and later years as part of setting the 2022/23 Budget. This report includes new schemes agreed in budget setting and presents expenditure as at quarter 2 of this programme.
- 4.2 It should be noted that the Capital Programme mainly consists of schemes where spending is planned across several years. Financial variances can occur as a result of:
- Reprofiting of scheme budgets into the following financial year to reflect scheme progress on site,

- Changes in timing of payments,
- Additional budget requirements due to changes in schemes or unforeseen costs.

4.3 The Local Government Association Corporate Peer Challenge has recommended the Council improves its planning and ensures there is the appropriate strategic finance capacity and resource to progress capital projects. This will lead to changes to improve planning, prioritisation, management, oversight and delivery of all capital projects and programmes. This could include implementing a benefits realisation approach to monitor the outcomes that projects and programmes deliver. It is expected the format of financial monitoring reports will be revised accordingly, with changes introduced from Quarter 3 of 2022/23 onwards. This report continues the established format pending the results of the review.

## 5 Quarterly Capital Monitoring Position

5.1 The table below provides a summary of the capital programme by service area:

	Opening Programme	Expenditure in 2022/23	Forecast Spend in 2022/23	Future Years Forecast Spend
	£000	£000	£000	£000
Communities	7,438	1,133	4,732	2,706
Corporate & Improvement	47,211	1,492	4,814	42,397
Environment	2,886	408	1,917	969
Housing Revenue Account	19,765	7,634	17,592	2,173
Place & Client	80,182	492	12,154	68,028
<b>Total Capital Programme</b>	<b>157,482</b>	<b>11,159</b>	<b>41,209</b>	<b>116,273</b>

5.2 Capital expenditure in quarter 2 was £11.159m against a forecast programme of £41.209m. This represents 27% of the projected budget. At a similar stage in 2021/22 capital expenditure was £16.7m and 24% of the budget. Low spending in the capital programme are partly due to the impact of Covid causing construction delays followed by large volumes of work coming to market during recovery. The Capital Programme has been adjusted to reflect additional funding received in year.

Project	£000	Summary
E Cargo	157	Air quality grant for e cargo bikes
Stanway Community Centre	30	Contribution from the parish council for additional works
All Saints Church	175	S106 for repairs and upgrade of facilities
Rowan House	40	COMF contribution for Rowan House

5.3 The Town Deal projects are now included in the Capital Programme within Place & Client.

5.5 The actual expenditure for the year and updated commentary from the budget holders is detailed in Appendix A.



- 5.6 Appendix A includes a RAG (Red, Amber and Green) status of all active project performance against capital schemes. This has been updated with revised criteria showing an overall RAG status summarising three aspects of a project – time, cost, and delivery. The criterion for the RAG is the corporate standard and has been assessed by the project manager.

## **6 Strategic Plan references**

- 6.1 The Council's Capital Programme is aligned to the Strategic Plan.

## **7 Financial Implications**

- 7.1 Within the details of this report.

## **8 Risk Management Implications**

- 8.1 Risk management issues are considered as part of individual capital projects.

## **9 Consultation**

- 9.1 The Capital Programme is part of annual budget setting is subject to the normal budget consultation.

## **10 Environmental and Climate Change Implications**

- 10.1 All projects are assessed for their likely environmental impact, reflecting the Council's commitment to be 'carbon neutral' by 2030. Environment and Climate Change is an essential cross-cutting theme in the Council's recovery planning and a core theme of the new Strategic Plan.

## **11 Equality and Diversity Implications**

- 11.1 Consideration will be given to equality and diversity issues in respect of the Capital Programme as part of the budget process. This will be done in line with agreed policies and procedures including production of Equality Impact Assessments where appropriate.

## **12 Other Standard References**

- 12.1 There are no direct Publicity, Human Rights, Community Safety or Health and Safety implications as a result of this report.

**Background Papers – Resetting the Capital Programme, Cabinet, 26<sup>h</sup> January 2022**

## Appendix A

Project Name	Service Area	Opening Programme	Spend to date in 2022/23	Forecast Spend in 2022/23	Spend against forecast %	Forecast Spend in 2023/24	Forecast Spend in future years	Overall RAG Status
Private Sector Renewals - Loans and Grants	Communities	304,423	0	120,000	0%	184,423	0	Amber
Sustainable warmth - Decent Homes	Communities	689,823	0	0	0%	689,823	0	Green
Mandatory Disabled Facilities Grants	Communities	3,766,977	246,858	2,314,872	11%	318,505	1,133,600	Amber
Stanway Community Centre	Communities	994,636	884,785	994,636	89%	0	0	Amber
St Marks Community Centre	Communities	1,682,644	1,200	1,302,644	0%	280,000	100,000	Red
Shrub End Depot	Environment	1,113,898	18,496	450,000	4%	663,898	0	Green
Light Fleet Replacement	Environment	665,234	142,207	665,234	21%	0	0	Green
Fleet Upgrade Caged Tippers	Environment	520,000	198,793	520,000	38%	0	0	Amber
Garrison Gym Playground	Environment	305,500	0	0	0%	305,500	0	Green
Vineyard Car Park Lift Replacement	Environment	124,600	36,247	124,600	29%	0	0	Green
Grants to Registered Providers (1-4-1 RTB Receipts Funded)	Corporate & Improvement	446,600	0	0	0%	446,600	0	Green
Lending to new Council Housing Company	Corporate & Improvement	26,700,000	0	0	0%	15,000,000	11,700,000	Green
Equity Investment in CCHL	Corporate & Improvement	5,800,000	0	0	0%	5,800,000	0	Green
Facility Loan to CAEL	Corporate & Improvement	1,220,000	0	0	0%	1,220,000	0	Green
Rowan House Refurbishment	Corporate & Improvement	3,308,358	1,492,721	2,800,458	53%	507,900	0	Amber
E-Cargo	Environment	157,300	12,085	157,300	8%	0	0	Green
Colchester Northern Gateway Heat Network	Corporate & Improvement	5,815,946	(323)	1,763,946	0%	4,052,000	0	Green
Sport & Leisure Asset Review	Corporate & Improvement	120,000	0	0	0%	120,000	0	Amber
Micro Grid / Solar Farm	Place & Client	5,700,000	0	0	0%	5,700,000	0	Green
Fieldgate Quay	Corporate & Improvement	3,800,000	0	250,000	0%	3,550,000	0	Green
CNG Recreational Play Equipment	Place & Client	250,000	0	0	0%	250,000	0	Amber
Grow-on - former Queen St Bus Depot	Place & Client	4,878,909	291,570	1,500,000	19%	3,378,909	0	Red
Greenstead Land Acquisition	Place & Client	2,271,776	8,741	2,271,776	0%	0	0	Green
CNG Wastewater Improvements Pumping Station	Place & Client	235,903	6,256	235,903	3%	0	0	Amber
St Nicholas Square	Place & Client	898,617	21,660	250,000	9%	648,617	0	Red
CNGS - Detailed Planning	Place & Client	450,433	53,936	450,433	12%	0	0	Green
CNGS - Infrastructure	Place & Client	2,477,230	69,686	550,000	13%	1,927,230	0	Green
Predevelopment/feasibility funds	Place & Client	250,000	0	0	0%	250,000	0	Green
Wilson Marriage Digital skills hub	Place & Client	689,300	0	689,300	0%	0	0	Amber
5G	Place & Client	794,214	0	723,214	0%	21,000	50,000	
Improved Youth Provision (ECC)	Place & Client	1,290,186	0	1,226,460	0%	20,325	43,401	
Town Cen to Greenstead & Uni Cycle	Place & Client	2,883,370	0	204,940	0%	120,993	2,557,437	
Jumbo	Place & Client	1,059,000	31,323	108,000	29%	61,000	890,000	
Holy Trinity Church	Place & Client	505,323	0	323,330	0%	181,993	0	
Essex County Hospital	Place & Client	488,707	0	488,707	0%	0	0	
Balkerne Gate Phase 2	Place & Client	722,753	0	106,701	0%	616,052	0	
Holy Trinity Square	Place & Client	650,305	0	81,598	0%	568,707	0	
Kerbless & Green Streets	Place & Client	633,739	0	51,309	0%	582,430	0	
HOG - Tamerick Way - new homes	Place & Client	34,166,977	0	0	0%	21,540,163	12,626,814	
HOG - Supported Living	Place & Client	8,301,186	0	0	0%	4,000,000	4,301,186	
HOG - Construction C - New commercial/Retail	Place & Client	1,817,129	0	0	0%	1,817,129	0	
HOG - Community Health & Wellbeing	Place & Client	5,864,481	0	157,069	0%	5,541,688	165,724	
Land Acquisition	Place & Client	2,271,776	8,741	2,271,776	0%	0	0	
Essex Pedal Power	Place & Client	319,810	0	319,810	0%	0	0	
Liveable Neighbourhood	Place & Client	150,000	0	0	0%	150,000	0	
Development work and programme fees	Place & Client	410,771	0	143,384	0%	87,658	179,729	
Sheltered Accommodation	Housing Revenue Account	4,888,807	1,976,411	4,888,807	40%	0	0	Amber
Adaptations to Housing Stock	Housing Revenue Account	124,516	231,584	231,584	100%	0	0	Amber
Council House New Build	Housing Revenue Account	1,439,037	179,774	1,439,037	12%	0	0	Amber
Purchase of properties - HRA	Housing Revenue Account	7,280,473	2,103,881	5,000,000	42%	2,280,473	0	Amber
New Build on Garage Sites	Housing Revenue Account	2,319,453	653,362	2,319,453	28%	0	0	Amber
Property Purchase - 100 Homes	Housing Revenue Account	3,712,919	2,489,410	3,712,919	67%	0	0	Green

Comments on red rated schemes:

<b>St Marks Community Centre - Communities</b>
<b>Timing:</b> Tendering and approval delays will affect delivery (as well as cost)
<b>Cost:</b> Tenders are significantly higher than budget
<b>Delivery:</b> Awaiting decision on budget to appoint contractor
<b>Approved Budget:</b> £1.8m
<b>Grow on former Queen Street</b>
<b>Timing:</b> Additional programme delays due to underpinning needed and delays to installing temporary works.
<b>Cost:</b> Delays to demolition due to structural issues that is having a big impact on costs.
<b>Delivery:</b> Delays to demolition due to structural issues that is having a big impact on costs.
<b>Approved Budget:</b> £5.4m
<b>St Nicholas Square</b>
<b>Timing:</b> Project seriously delayed due to supply chain issues.
<b>Cost:</b> Big cost increases due to delays and price fluctuations.
<b>Delivery:</b> Supply chains and risk of highways' approvals not taking place and additional costs associated with Christmas period stand down.
<b>Approved Budget:</b> £1.1m

RAG Status Definition

Status	Definition	Action
Red	There are significant problems with the project and the project is not meeting expectations to date. The project requires corrective action to meet business objectives. The problem cannot be handled solely by the project manager.	The matter should be formally escalated to the project board. A remedial action plan to be implemented, including reviewing the frequency of progress reports.
Amber	Not meeting the expectations to date. There are mitigating circumstances in most cases and improvement is likely but risks are being flagged.	The project sponsor and owner must have early sight of the circumstances. All stakeholders are to be informed. Resolution options are to be investigated.
Green	Meeting expectations to date.	No action required.



## Governance and Audit Committee

Item  
**11**

18 October 2022

Report of	Assistant Director Corporate and Improvement Services	Author	Matthew Evans ☎ ext. 8006
Title	Work Programme 2022-2023		
Wards affected	Not applicable		

### 1. Executive Summary

1.1 This report sets out the current Work Programme 2022-2023 for the Governance and Audit Committee. This provides details of the reports that are scheduled for each meeting during the municipal year.

1.2 Members will note that both the Colchester Commercial Holdings Limited – Annual report, and the Use of Resources Judgment 2020/2021 were due to be considered at this meeting, however these reports have been deferred until a later meeting with the approval of the Chair of this Committee. Additionally, a report setting out Quarter 1 and 2 monitoring of the Capital Programme will now be considered at this meeting.

### 2. Recommended Decision

2.1 The Committee is asked to note the contents of the Work Programme for 2022-2023.

### 3. Reason for Recommended Decision

3.1 The Work Programme of this Committee is kept under review throughout the municipal year to ensure that business is progressed and Members have the opportunity to review upcoming agenda items.

### 4. Alternative Options

4.1 This function forms part of the Committee's Terms of Reference and, as such, no alternative options are presented.

### 5. Background Information

5.1 The Governance and Audit Committee deals with the approval of the Council's Statement of Accounts, audit, other miscellaneous regulatory matters and standards.

- 5.2 The Committee's Work Programme will evolve as the Municipal Year progresses and items of business are commenced and concluded. At each meeting the opportunity is taken for the Work Programme to be reviewed and, if necessary, amended according to current circumstances.

## **6. Standard References**

- 6.1 There are no particular references to publicity or consultation considerations; or financial; equality, diversity and human rights; community safety; health and safety, environmental and sustainability implications or risk management implications.

## **7. Strategic Plan References**

- 7.1 Governance is integral to the delivery of the Strategic Plan's priorities and direction for the Borough as set out under the four themes of growth, responsibility, opportunity and wellbeing.
- 7.2 The Council recognises that effective local government relies on establishing and maintaining the public's confidence, and that setting high standards of self-governance provides a clear and demonstrable lead. Effective governance underpins the implementation and application of all aspects of the Council's work.

## **WORK PROGRAMME 2022-23**

<b>Governance and Audit Committee</b>
<b>Meeting date / Agenda items -</b>
Governance and Audit Committee - <b>21 June 2022</b>
<ol style="list-style-type: none"><li>1. Year End Internal Audit Assurance Report 2021/2022</li><li>2. <u>Review of the Governance Framework and Draft Annual Governance Statement</u></li></ol>

**Governance and Audit Committee - 26 July 2022**

1. Local Government Association Model Code of Conduct for Councillors
2. 2021/2022 Revenue Outturn
3. 2021/2022 Year End Review of Risk Management

**Governance and Audit Committee - 6 September 2022**

1. Colchester Borough Homes Annual Report and Governance Statement
2. Revenue Monitoring Report – April to June 2022/23
3. Capital Expenditure 2021/2022 Outturn

**Governance and Audit Committee - 18 October 2022**

1. Local Government and Social Care Ombudsman Annual Review 2021/2022
2. Health and Safety Policy and Annual Report
3. Treasury Management Report 2021/2022
4. 2022/23 Capital Monitor Q1 and Q2

**Governance and Audit Committee – 22 November 2022**

1. Revenue Monitoring Report – July to September 2022/23.
2. Capital Monitoring Report – July to September 2022/23
3. Review of the Council's Ethical Governance Policies
4. Annual Review of the Members' Code of Conduct and the Council's Localism Act "Arrangements"
5. Review of Local Code of Corporate Governance
6. Review of Member/Officer Protocol
7. Gifts and Hospitality – Review of Guidance for Councillors and Policy for Employees
8. Treasury Management – Half Yearly Update
9. Colchester Commercial Holdings Limited – Annual Report

**Governance and Audit Committee - 17 January 2023**

1. Interim Review of the Annual Governance Statement Action Plan
2. Risk Management Progress Report
3. Mid-Year Internal Audit Assurance Report 2022/2023
4. CCHL Half-Year Performance Report
5. Annual Review of the Council's Companies' Business Plans
6. Annual Review of Business Continuity

**Governance and Audit Committee - 7 March 2023**

1. Internal Audit Plan 2023/2024
2. Revenue Monitoring Report – October to December 2022/2023
3. Capital Monitoring Report – October to December 2022/2023