Governance Committee

Grand Jury Room, Town Hall 14 January 2014 at 6.00pm

To consider and approve the Council's Statement of Accounts andreview the Council'sannual auditletter. Toconsider and approvethe Council'sgovernance,risk management and audit arrangements. Tomake recommendations to the Council on functions such asElections andbyelaws,and determine Community Governance Reviews.

Governance 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.

COLCHESTER BOROUGH COUNCIL GOVERNANCE COMMITTEE 14 January 2014 at 6:00pm

Members Chairman Deputy Chairman	:	Councillor Ray Gamble. Councillor Nigel Offen. Councillors Cyril Liddy, Christopher Arnold, Sue Lissimore, Peter Sheane and Laura Sykes.
Substitute Members	:	All members of Council who are not Cabinet members or members of this Panel.
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Agenda - Part A

(open to the public including the media)

Members of the public may wish to note that Agenda items 1 to 5 are normally brief.

Pages

1. Welcome and Announcements

(a) The Chairman to welcome members of the public and Councillors and to remind all speakers of the requirement for microphones to be used at all times.

- (b) At the Chairman's discretion, to announce information on:
 - action in the event of an emergency;
 - mobile phones switched to silent;
 - the audio-recording of meetings;
 - location of toilets;
 - introduction of members of the meeting.

2. Substitutions

Members may arrange for a substitute councillor to attend a meeting on their behalf, subject to prior notice being given. The attendance of substitute councillors must be recorded.

3. Urgent Items

To announce any items not on the agenda which the Chairman has agreed to consider because they are urgent and to give reasons for the urgency.

4. Declarations of Interest

The Chairman to invite Councillors to declare individually any interests

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they may have in the items on the agenda. Councillors should consult Meetings General Procedure Rule 7 for full guidance on the registration and declaration of interests. However Councillors may wish to note the following:-

- Where a Councillor has a disclosable pecuniary interest, other pecuniary interest or a non-pecuniary interest in any business of the authority and he/she is present at a meeting of the authority at which the business is considered, the Councillor must disclose to that meeting the existence and nature of that interest, whether or not such interest is registered on his/her register of Interests or if he/she has made a pending notification.
- If a Councillor has a disclosable pecuniary interest in a matter being considered at a meeting, he/she must not participate in any discussion or vote on the matter at the meeting. The Councillor must withdraw from the room where the meeting is being held unless he/she has received a dispensation from the Monitoring Officer.
- Where a Councillor has another pecuniary interest in a matter being considered at a meeting and where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the Councillor's judgment of the public interest, the Councillor must disclose the existence and nature of the interest and withdraw from the room where the meeting is being held unless he/she has received a dispensation from the Monitoring Officer.
- Failure to comply with the arrangements regarding disclosable pecuniary interests without reasonable excuse is a criminal offence, with a penalty of up to £5,000 and disqualification from office for up to 5 years.

5. Minutes

To confirm as a correct record the Minutes of the meeting held on 19 November 2013.

6. Have Your Say!

(a) The Chairman to invite members of the public to indicate if they wish to speak or present a petition at this meeting – either on an item on the agenda or on a general matter not on this agenda. You should indicate your wish to speak at this point if your name has not been noted by Council staff.

(b) The Chairman to invite contributions from members of the public

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	who wish to Have Your Say! on a general matter not on this agenda.	
7.	Certification of Claims and Returns – Annual Report 2012/13	6 - 15
	See report from the Assistant Chief Executive.	
	Gary Belcher, on behalf of Ernst and Young LLP, will attend the meeting for this item.	
8.	Annual Review of Business Continuity	16 - 25
	See report from the Assistant Chief Executive.	
9.	Local Government Pension Scheme	26 - 29
	See report from the Assistant Chief Executive.	
10.	Work Programme	30 - 31
	See report from the Assistant Chief Executive.	

11. Exclusion of the Public

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).

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Have Your Say!

The Council values contributions from members of the public. Under the Council's Have Your Say! policy you can ask questions or express a view to most public meetings. If you wish to speak at a meeting or wish to find out more, please refer to Attending Meetings and "Have Your Say" at <u>www.colchester.gov.uk</u>

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GOVERNANCE COMMITTEE 19 NOVEMBER 2013

Present :- Councillor Ray Gamble (Chairman) Councillors Christopher Arnold, Cyril Liddy, Sue Lissimore, Nigel Offen, Peter Sheane and Laura Sykes

25. Minutes

The Minutes of the meeting held on the 15 October 2013 were confirmed as a correct record.

26. Annual Audit Letter

The Committee considered a report from the Assistant Chief Executive presenting the contents of the 2012 / 13 Annual Audit Letter and Local Government Audit Committee Briefing, both of which were attached as appendices to the report.

Debbie Hanson, attending on behalf of Ernst and Young LLP, explained that the Annual Audit letter summarised Ernst and Young's findings from its 2012 / 13 audit of the Council and how it uses its resources. No significant issues had been found and all responsibilities had been discharged. The Local Government Audit Committee Briefing was attached for information and no errors were found.

In response to a request from a member of the Committee, it was clarified that fees were set by the Audit Commission, had been fixed for three years and were unlikely to change.

RESOLVED that the contents of the 2012 / 13 Annual Audit Letter and Local Government Audit Committee Briefing be noted.

27. Work Programme

The Committee considered the contents of a report from the Assistant Chief executive on the Work Programme for the year.

Pippa Turvey, Democratic Services Officer, explained that the Annual Business Continuity report and the Review of Pensions had been rescheduled for the meeting in January 2014, as per the agreement of the Committee on 15 October 2013.

RESOLVED that the contents of the Work Programme be noted.

28. Annual Governance Statement Action Plan // Interim Review

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The Committee considered a report from the Assistant Chief Executive reviewing the implementation of the actions highlighted on the Annual Governance Statement for 2012 / 13. The Colchester Borough Council Annual Governance Statement Action Plan Interim Review was attached as an appendix to the report. The North Essex Parking Partnership (NEPP) Annual Governance Statement and the Colchester and Ipswich Museum Service Annual Governance Statement Action Plan were both attached, for information.

Hayley McGrath, Risk and Resilience Manager, explained that progress had been made against all the issues identified in the action plan.

The Committee requested clarification regarding the process of scrutiny for the NEPP Annual Governance Statement. Matthew Young, the Head of Operational Services, explained that the NEPP Joint Committee was a sub-Committee of Essex County Council (ECC) and, therefore, ECC were responsible for scrutiny. The work of the NEPP was reported back to the ten districts involved. Colchester Borough Council Scrutiny Panel would receive presentation on the 10 December 2013, which would explain, in greater detail, the role and work of the NEPP.

RESOLVED that the work undertaken to implement the current Annual Governance Statement action plan be noted.

29. Risk Management Progress Report

The Committee considered a report from the Assistant Chief Executive concerning Risk Management activity between April 2013 and September 2013. The Colchester Borough Council Corporate Strategic Risk Register October 2013 – January 2014 and the Risk Matrix October 2013 were all attached as appendices to the report.

The report outlined the implementation of a specific process to manage risks associated with the Council's change programme and a review of the operational service risks to ensure that they supported the programme objectives. The work undertaken during between April and September was detailed, which included the agreement by Cabinet and full Council of the revised risk management strategy, the updating of the policy framework, the updating of operational risk registers and a renewal of the Council's insurances.

The Risk and Resilience Manager explained that the public liability premiums for the Council had been expected to increase by £75,000, however work had been done by Officers to ensure that this increase was now only £15,000. She also highlighted that claims on the motor vehicle insurance had decreased from 97 annually, to 79 annually.

A member of the Committee raised the question of whether new building developments were required to ensure large vehicles, such as waste disposal freighters, could pass through them. The Head of Operational Services explained that several years ago, with the help of the Development Control Team, a Supplementary Planning Document had been drafted to ensure exactly that and should apply to all new developments.

RESOLVED that -

- (i) The work undertaking between April 2013 and September 2013 be noted; and
- (ii) The strategic risk register be noted.

30. Mid Year Internal Audit Assurance report 2013/14

The Committee considered a report from the Assistant Chief Executive summarising the performance of internal audit during the first half of 2013 / 14, details the internal audit work undertaking and sets out the proposed internal audit work programme for 2014 / 15 - 2015 / 16. The Key to Assurance Levels, a Summary of Audits with a Limited of No Assurance Rating and the Proposed Internal Audit Work Programme 2014 / 15 - 2015 / 16 were all attached as appendices to the report.

Elfreda Walker, Finance Manager, explained that an effective internal audit service had been maintained. The assurance ratings had improved in 19% of the audits, remained the same in 75% of the audits and declined in only one audit. Good progress was being made on implementing and verifying outstanding recommendations, with 114 priority 1-3 recommendations being made. One IT Hardware Assets Management recommendation was not agreed. The target for the percentage of the annual plan to be completed had not been met but this was mainly due to the weighting of the audit plan towards the end of the financial year. The work programme was proposed, however needed to remain flexible to respond to any future risks.

The Committee congratulated Officers on the work done to improve the level of recommendations agreed. Ann Hedges, the Chief Operating Officer, suggested that this was as a result of efforts made to ensure the advantages of the audits were realised.

A member of the Committee raised several questions as to the 27 recommendations for the Waste Management Service. In response the Head of Operational Services said that there had been an audit of everything held on the site, including equipment and stock. He explained that although the results were undesirable, a lot of work had been undertaken with the auditors to find areas that needed improving. He explained that regular monitoring would be carried out, with a follow up audit next year and then every two years. He offered to circulate to the Committee an update report, which he had received.

The Committee questioned whether the interim management measures would help work through the changes. The Head of Operational Services clarified that a new Interim Manager had been appointed who had been using their experience to help update procedures. It was stated that this was part of a larger culture change.

The Chief Operating Officer stated that, already, simple alterations were being made to

change the culture, such as regular meetings with Loaders as well as Drivers and improvements in the crew room.

The Committee were encouraged by the efforts being made.

RESOLVED that -

(i) The internal audit activity for the period 1 April 2013 – 30 September 2013 be noted;

(ii) The performance of internal audit by reference to national best practice benchmarks be noted; and

(iii) The proposed internal audit work programme be noted.

31. Recruitment Policy for Applicants Related to Staff Employed by the Council

The Committee considered a report from the Assistant Chief Executive concerning the recruitment policy for applicants related to staff employed by the Council.

Jessica Douglas, Senior Manager for Human Resources, explained that the Council had two policies which referred specifically to the employment of individuals related to staff. One was the Personal Relationships at Work Policy, which was introduced in July 2008 following concerns regarding related staff working in the same team. This was considered more problematic where there was also a line management relationship. Paragraph 3 of the Policy, relating to Recruitment and Selection was extracted as providing clear guidance, indicating that no such situations could occur again in the future. It was clarified that the policies applied to both familial relationships and personal relationships.

A member of the Committee enquired as to whether there were any familial relationships within Waste Services. It was clarified by the Head of Operational Services that there was one sibling relationship within Waste Services, however, there was no managerial relationship between the two.

A member of the Committee suggested that formal guidance be drafted on how relationship between staff and Councillors be dealt with, the ensure clarity and fairness. The Chief Operating Officer explained that this would be a case of formalising existing practices.

The Senior Manager for Human Resources suggested that this could be explored, possibly with the aid of the Monitoring Officer.

RESOLVED that the contents of the report be noted.



Governance Committee

Item

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14 January 2014

Report of	Assistant Chief Executive	Author	Steve Heath 🕾 282389
Title	Certification of Claims and Returns	s – Annual	Report 2012/13
Wards affected	Not applicable		

The Panel is invited to note and comment on the contents of the 2012/13 annual grant claims report

1. Action required

1.1 To note and comment on the contents of the 2012/13 Certification of Claims and Returns annual report from the external auditor, Ernst & Young.

2. Reason for report

2.1 The Accounts and Audit Regulations require the Council to consider this report.

3. Supporting information

- 3.1 This report summarises the outcomes of the Auditor's certification work on the Council's claims and returns for 2012/13, and highlights the significant issues. The Auditors' work related to three claims and returns with a total value of £126.6m.
- 3.2 The Auditor found that all of the recommendations from 2011/12 had been implemented. There were no new recommendations arising from the Auditor's work on 2012/13 claims.
- 3.3 Section 2 of the report highlights the fees payable for the 2012/13 certification work, whilst Section 3 looks at indicative fees for 2013/14.

4. Strategic Plan references

4.1 The objectives and priorities of the Strategic Plan informed all stages of the budget process for 2012/13.

5. Other Standard References

5.1 Having considered financial implications, publicity, equality, diversity and human rights, health and safety, community safety and risk management implications, there are none that are significant to the matters in this report.



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The Members of the Governance Committee Colchester Borough Council Rowan House 33 Sheepen Road Colchester CO3 3WG 13 December 2013 Ref: 27977087 Direct line: 07974 006715 Email: <u>dhanson@uk.ey.com</u>

Dear Members

Certification of claims and returns annual report 2012-13 Colchester Borough Council

We are pleased to report on our certification work. This report summarises the results of our work on Colchester Borough Council's 2012-13 claims and returns.

Scope of work

Local authorities claim large sums of public money in grants and subsidies from central government and other grant-paying bodies and are required to complete returns providing financial information to government departments. In some cases these grant-paying bodies and government departments require certification from an appropriately qualified auditor of the claims and returns submitted to them.

Under section 28 of the Audit Commission Act 1998, the Audit Commission may, at the request of authorities, make arrangements for certifying claims and returns because scheme terms and conditions include a certification requirement. When such arrangements are made, certification instructions issued by the Audit Commission to appointed auditors of the audited body set out the work they must undertake before issuing certificates and set out the submission deadlines.

Certification work is not an audit. Certification work involves executing prescribed tests which are designed to give reasonable assurance that claims and returns are fairly stated and in accordance with specified terms and conditions.

In 2012-13, the Audit Commission did not ask auditors to certify individual claims and returns below £125,000. The threshold below which auditors undertook only limited tests remained at £500,000. Above this threshold, certification work took account of the audited body's overall control environment for preparing the claim or return. The exception was the housing and council tax benefits subsidy claim where the grant paying department set the level of testing.

Where auditors agree it is necessary audited bodies can amend a claim or return. An auditor's certificate may also refer to a qualification letter where there is disagreement or uncertainty, or the audited body does not comply with scheme terms and conditions.



Statement of responsibilities

In March 2013 the Audit Commission issued a revised version of the 'Statement of responsibilities of grant-paying bodies, authorities, the Audit Commission and appointed auditors in relation to claims and returns' (statement of responsibilities). It is available from the Chief Executive of each audited body and via the Audit Commission website.

The statement of responsibilities serves as the formal terms of engagement between the Audit Commission's appointed auditors and audited bodies. It summarises where the different responsibilities of auditors and audited bodies begin and end, and what is to be expected of the audited body in certain areas.

This annual certification report is prepared in the context of the statement of responsibilities. It is addressed to those charged with governance and is prepared for the sole use of the audited body. We, as appointed auditor, take no responsibility to any third party.

Summary

Section 1 of this report outlines the results of our 2012-13 certification work and highlights the significant issues.

We checked and certified three claims and returns with a total value of £126.6 million. We met all submission deadlines. We issued a qualification letter for the housing benefit claim. Details of the qualification matters are included in section 2. Our certification work found errors in the housing benefit claim which the Council corrected. The amendments had a marginal effect on the grant due.

The Council has implemented all of the recommendations from last year and has improved arrangements for the production of claims and returns. Details are included in section 1. We have made no recommendations this year.

Fees for certification work are summarised in section 2. The Audit Commission applied a general reduction of 40% to certification fees in 2012-13. In section 2, we have included the actual fees for 2011-12 and their values after the 40% reduction to assist year on year comparisons.

We welcome the opportunity to discuss the contents of this report with you at the January 2014 Governance Committee.

Yours faithfully

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Debbie Hanson Director Ernst & Young LLP Enc

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Certification of claims and returns annual report 2012-13

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1. Summary of 2012-13 certification work

We certified three claims and returns in 2012-13. The main findings from our certification work are provided below.

Housing and council tax benefits subsidy claim

Scope of work	Results
Value of claim presented for certification	£67,110,455
Limited or full review	Full
Amended	Amended – subsidy increased by £2,022.
Qualification letter	Yes
Fee - 2012-13	£22,380
Fee - 2011-12 (actual)	£32,561
Recommendations from 2011-12:	Findings in 2012-13
Ensure that for non-HRA rent rebates, expenditure is correctly classified within subsidy entitlement cells.	Errors noted in 2011-12 have not occurred in 2012-13.
Take action to ensure that savings credit up rate notifications are actioned on the benefits system from the correct date.	Errors noted in 2011-12 have not occurred in 2012-13.
Resolve any reconciliation differences between amounts granted on the BEN01 return and amounts granted per the system.	As noted in the paragraphs below, a small difference has occurred again in 2012-13. This is not unusual given the complex nature of the grant claim. The difference was not considered large enough to warrant a separate recommendation this year.

Councils run the Government's housing and council tax benefits scheme for tenants and council taxpayers. Councils responsible for the scheme claim subsidies from the Department for Work and Pensions (DWP) towards the cost of benefits paid.

Our audit of the BEN01 claim is undertaken in line with the approach agreed with the Department for Work and Pensions (DWP), which requires detailed testing of individual benefit cases. The work undertaken to support certification of the claim is integrated with my audit opinion work.

Minor amendments were made to the BEN01 claim, which increased the overall amount due to the Council by £2,022. This is a complex and high value claim and this low level of error therefore represents good performance. The main error noted from our audit was incorrect state retirement pension amounts being used in the calculation of modified scheme income. The Council reviewed and amended 100% of the affected cases and therefore no qualification was required.

The Council uses the Capita benefits system, which provides a method for the Council to reconcile benefit granted to benefit paid. However, the benefit granted figures for rent rebates in the claim form and the benefit granted figures used in the reconciliation differed by £271. The Council has claimed the lower figure, in line with DWP guidance, however I was required to report the difference to the DWP in a qualification letter.

National non-domestic rates return

Scope of work	Results
Value of return presented for certification	£58,298,903
Limited or full review	Full
Amended	Amended – Contribution due to the pool decreased by £752.
Qualification letter	No
Fee - 2012-13	£1,940
Fee - 2011-12 (actual)	£2,715
Recommendations from 2011-12:	Findings in 2012-13
Ensure that amounts relating to deferrals are accounted for and disclosed correctly in the NNDR return.	Errors noted in 2011-12 have not occurred in 2012-13.

The Government runs a system of non-domestic rates using a national uniform business rate. Councils responsible for the scheme collect local business rates and pay the rate income over to the Government. Councils have to complete a return setting out what they have collected under the scheme and how much they need to pay over to the Government.

We found no errors on the national non-domestic rates return and we certified the amount payable to the pool without qualification. The amendment noted in the table above was identified by Council officers prior to the commencement of the audit.

Pooling of housing capital receipts

Scope of work	Results
Value of return presented for certification	£1,195,606
Limited or full review	Full
Amended	No
Qualification letter	No
Fee - 2012-13	£1,230
Fee - 2011-12 (actual)	£1,325
Recommendations from 2011-12:	Findings in 2012-13
None	N/A

Councils pay part of a housing capital receipt into a pool run by the Department of Communities and Local Government. Regional housing boards redistribute the receipts to those councils with the greatest housing needs. Pooling applies to all local authorities, including those that are debt-free and those with closed Housing Revenue Accounts, who typically have housing receipts in the form of mortgage principal and right to buy discount repayments.

We found no errors on the pooling of housing capital receipts return and we certified the amount payable to the pool without qualification.

2. 2012-13 certification fees

For 2012-13 the Audit Commission replaced the previous schedule of maximum hourly rates with a composite indicative fee for certification work for each body. The indicative fee was based on actual certification fees for 2010-11 adjusted to reflect the fact that a number of schemes would no longer require auditor certification. There was also a 40 per cent reduction in fees reflecting the outcome of the Audit Commission procurement for external audit services.

The indicative composite fee for Colchester Borough Council for 2012-13 was £25,550. The actual fee for 2012-13 was the same as the composite fee. This compares to a fee of £37,478 in 2011-12.

Claim or return	2011-12	2011-12	2012-13	2012-13
	Actual fee	2011-12 fee less 40% reduction	Indicative fee	Actual fee
	£	£	£	£
Housing and council tax benefits subsidy claim	32,561	19,537	22,380	22,380
National non-domestic rates return	2,715	1,629	1,940	1,940
Pooling of housing capital receipts	1,325	795	1,230	1,230
Total	36,601	21,961	25,550	25,550

Fees reduced overall compared to 2011-12 because of the Audit Commission's 40% reduction. After allowing for the 40% reduction the main difference in fees was in relation to the housing benefit claim:

Housing and council tax benefits claim

The 2012-13 actual fee was £2,843 higher than the 2011-12 adjusted fee. Our sample, which was randomly selected, included a higher proportion of complex cases which contributed towards this increase. In addition, we identified errors which required amendment and additional time was incurred as a result.

Overall, our actual 2012-13 fee is in line with the agreed fee for the certification audit work.

Looking forward

3. Looking forward

For 2013-14, the Audit Commission has calculated indicative certification fees based on the latest available information on actual certification fees for 2011-12, adjusted for any schemes that no longer require certification. The Audit Commission has indicated that the national non-domestic rates return will not require certification from 2013-14.

The Council's indicative certification fee for 2013-14 is £19,800. The actual certification fee for 2013-14 may be higher or lower than the indicative fee, if we need to undertake more or less work than in 2011-12 on individual claims or returns. Details of individual indicative fees are available at the following link:

http://www.audit-commission.gov.uk/audit-regime/audit-fees/201314-fees-and-work-programme/individual-certification-fees/

We must seek the agreement of the Audit Commission to any proposed variations to indicative certification fees. The Audit Commission expects variations from the indicative fee to occur only where issues arise that are significantly different from those identified and reflected in the 2011-12 fee.

The Audit Commission has changed its instructions to allow appointed auditors to act as reporting accountants where the Commission has not made or does not intend to make certification arrangements for individual claims and returns. This removes the previous restriction saying that the appointed auditor cannot act if the Commission has declined to make arrangements. This is to help with the transition to new certification arrangements, such as those DCLG will introduce for business rates from 1 April 2013.

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Author Hayley McGrath 508902

Item

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Title

Annual Review of Business Continuity

Wards Not applicable affected

This report reviews the Business Continuity work undertaken for the period 1 October 2012 to 30 September 2013

1. Actions Required

- 1.1 Consider and note the business continuity work undertaken during the period.
- 1.2 Consider and comment on the review of the business continuity strategy.
- 1.3 Consider and note the intended work plan for 2013/14.

2. Reason for Scrutiny

2.1 The Risk Management Strategy, which forms part of the policy framework, identifies the Finance and Audit Scrutiny panel as being responsible for reviewing the effectiveness of the risk management process and reporting critical items to cabinet as necessary. Business continuity is an integral part of the risk management process and it is appropriate that a detailed progress report is provided to this panel.

3. Supporting Information

- 3.1 Under the Civil Contingencies Act 2004 the council has two duties relating to business continuity:
 - 1. To be able to carry on providing its own services in the event of a disruption
 - 2. To provide advice and guidance relating to business continuity to local businesses and voluntary organisations.
- 3.2 The responsibility for ensuring that the Council has effective business continuity plans rests with the Executive Director for People and Performance and forms part of the Risk Management function in the Resource Management Service area. The role of the Risk & Business Continuity Manager is to provide advice and guidance and to co-ordinate the individual service plans and the overall Council plan. Issue specific plans, such as responding to a flu pandemic, are also required.
- 3.3 Business continuity issues are primarily reported to the 'First Call Officer' group, this consists of the senior management team and other key staff. The primary role of this group is to provide the strategic management of any emergency either internal or external. The group meets every two months to review plans and consider emergency planning and business continuity issues.
- 3.4 The duty to provide advice and guidance to local businesses rests with the Emergency Planning team within Corporate Management.

4. Summary of Work Undertaken

- 4.1 There were three main areas in the work plan for 2012/3:
 - 1. Testing of the plans. Ensuring that the assumptions made in both the corporate and service plans are correct and reflect the changes of the fundamental service reviews.
 - 2. Review of the specific event plans such as major pandemic and loss of key building.
 - 3. Further development of the training programme to ensure that all staff can access appropriate material.
- 4.2 The Risk & Business Continuity Manager has continued to work alongside the Emergency Planning team during the year which has strengthened the embedding of the business continuity plans.
- 4.3 Development of specific recovery plans for the Colchester and Ipswich Joint Museum Service, to incorporate Ipswich Museum processes.
- 4.4 The standard templates used to create incident management plans have been reviewed to ensure that they were still appropriate and as straightforward as possible.
- 4.5 The key risks and service areas were reviewed again during the year to ensure that they reflected the changes following on from the fundamental service reviews. The key business continuity risks continue to be loss of IT and buildings and the service areas have been ranked according to the type of incident.
- 4.6 The Risk and Business Continuity Manager assisted the Emergency Planning team with delivery water awareness training for all staff.
- 4.7 The annual business continuity self assessment was carried out in January 2013. This benchmarked Colchester against the rest of the Essex Authorities. Overall Colchester is slightly above the Essex average with a slight increase in scores for management and organisation. However embedding processes still needs to be improved.
- 4.8 The Risk and Business Continuity Manager has also represented the business continuity service at several events including the annual parish councils emergency planning seminar and training sessions for emergency planning volunteers.

5. Business Continuity Strategy for 2013/14

- 5.1 The Business Continuity Strategy was agreed for the first time in 2009. A requirement within the strategy, and also of the regular internal audit assessment, is that it is reviewed annually to ensure that it is still appropriate to the Council's needs.
- 5.2 Therefore a review has been undertaken and the strategy has been updated for 2013/14. The revised strategy is attached at appendix 1. It is considered that the strategy continues to meet the needs of the organisation and therefore there are no fundamental changes to the strategy or the business continuity process.

6. Work plan for 2013/14

- 6.1 With regard to the self assessment, the following areas will be the primary focus for developing business continuity further in 2013/14:
 - Reviewing the service plans to ensure they reflect the changes to the organisational structure and facilities, following on from the UCC FSR.
 - Embedding the on-line training tools
 - > Developing the business continuity links with significant partners and contractors.

7. Proposals

7.1 To note and comment upon the Councils progress and performance with regard to business continuity during 2012/13, the Business Continuity Strategy and work plan for 2013/14.

8. Strategic Plan Implications

8.1 The ability of the Council to carry on providing critical services, even when dealing with a major disruption, is a fundamental part of customer excellence.

9. Risk Management Implications

9.1 The failure to adequately manage a business interruption may have an effect on the ability of the Council to achieve its objectives and operate effectively.

10. Other Standard References

10.1 There are no direct Publicity, Financial, Consultation, Equality and Diversity, Human Rights, Community Safety or Health and Safety implications as a result of this report.

Appendix 1



DRAFT Business Continuity Strategy 2013/14

A framework for developing plans to minimise disruption when unplanned events significantly interrupt normal business.

September 2013

Colchester Borough Council 19

www.colchester.gov.uk

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BUSINESS CONTINUITY STRATEGY - 2013/14

1.0 Introduction

Colchester Borough Council, like every local authority, provides a wide range of services to the local community, many of which are statutory functions. Any failure, actual or perceived, to deliver the full range of services will have a negative impact on both the community and the authority. As such, all reasonable measures should be adopted to minimise the likelihood of business or service interruption.

The Civil Contingencies Act 2004 places a specific duty on local authorities to ensure that they have prepared, as far as reasonably practical, to continue to provide critical functions during any disruptive incident.

However the Civil Contingencies Act is just one of the key drivers for business continuity. External assessments, such as the benefits inspection and the Lexcel accreditation, require robust business continuity arrangements to provide assurance that quality services will continue to be provided at all times. But above all, business continuity is critical to the Council in its ability to survive an incident with as little disruption to services and reputation as possible.

This Business Continuity Strategy provides the framework for developing plans that will prevent or mitigate the severity of potential disruptions and enable the Council to effectively respond to incidents.

The plan will identify the mitigation measure, specific recovery objectives, the structure for implementation and the communication process to keep staff, partners and the public informed of necessary changes to service delivery.

2.0 Overview

The strategy adopted for development of the business continuity plans can be summarised as follows:

- The Corporate Incident Management Plan will form the basis of the Council's response. This is an operational document designed to assist the authority in the event of a disruption occurring. The plan sets priorities and communications to ensure an appropriate response to any disruption.
- The Corporate Incident Management Plan is the overall tool for the Council and event controllers. However this is supported by service specific business continuity plans which ensure that each service is able to respond appropriately to an incident whether it is a corporate or service specific interruption.
- Incident specific plans are also be developed for corporate issues where the risk indicates sufficient likelihood of occurrence and the impact is seen to be severe, such as pandemics, power failures and severe weather.
- Business Impact Analyses (B.I.A.s) are undertaken to be able to develop the plans. B.I.A.s assess the key risks and key services at both corporate and service level and will help to identify preventative measures that can be undertaken.

3.0 Aim and Objectives

The aim of the strategy is:

• To support the Council in anticipating risks for the purpose of mitigating them and having flexible plans in place, which are already tested, to minimise disruption when unplanned events significantly interrupt normal business.

The objectives are:

- To identify preventative measures that can be carried out to minimise the likelihood of an incident occurring.
- To ensure the Council can continue to exercise its functions in the event of an emergency.
- To integrate the Business Continuity requirements with the Emergency Planning responsibilities of the Authority to ensure that in the event of a major disruption the Authority can respond appropriately both internally and externally.
- To identify the essential services, in order to determine overall priorities for recovery of functions if disruption takes place.
- To ensure all Council service areas are involved in the preparation of the Plan, so that there is an effective and consistent response to service continuity.
- To provide a basis for cost benefit analysis to determine which contingency plans will be developed.
- To develop a process to review and update the overall Plan and develop service area, functional or specific plans where necessary, in order to protect the services and reputation of the Council.
- To undertake training and awareness programmes for staff, elected members, suppliers and partners.
- To carry out regular tests of the Plan to validate the arrangements.

4.0 The Business Continuity Process

Irrespective of an unusual or disruptive event, occurring internally or externally, the capabilities of the Council to provide services to the community must be maintained. This process aims to address the issues likely to arise, and to identify measures to mitigate them.

This process recognises that 'Business Continuity' can be considered in three phases:

۶	DEFENCE	-	The prevention of disruption
	CONTINUITY	-	Maintenance of essential services during a disruption
۶	RECOVERY	-	The return to normality

Business Continuity is an on-going cyclical process of risk assessment, management and review with the purpose of ensuring that the business can continue if risks materialise.

The effective implementation of Business Continuity has four stages:-

- Recognition of Need & Initiation
- Defining Requirements & Strategy
- > Implementation
- Operational Management

5.0 Responsibility for Business Continuity

To be effective Business Continuity should be fully endorsed and actively promoted by senior management and there should be a clearly defined responsibility for coordination of Business Continuity. However it does not belong to one person or role and every service has a responsibility for ensuring that they are capable of responding to an interruption.

There are three levels of responsibility for managing the business continuity process:

- 1. Co-ordinator
- 2. Corporate Response Team
- 3. Service Teams

There is a core role of co-ordinating the process and ensuring that services have access to information and assistance when building their own plans. The co-ordinator also has responsibility for ensuring that key partners are involved in the process.

In the event that there is a disruption there should be a defined corporate response team who will have overall control of the situation. The co-ordinator is responsible for maintaining details of this team ensuring that they are fully briefed on executing the plan and are informed of any potential issues that may arise.

There are also individual service action teams who are responsible for ensuring that their service has its own response plan and can manage the continuity and recovery for the functions within that service. The team is likely to consist of one person for the process of defining the response plans and day to day co-ordination of Business Continuity, but will call upon other senior managers if and when the plan needs to be put into practice.

Appendix 1 sets out the roles and responsibilities for Business Continuity at all levels.

6.0 Links

To be an effective management tool and to truly embed the process throughout the organisation the plan should recognise and be influenced by the Council's operational and strategic risk registers, this will lead automatically to the plan linking into the Internal Audit plan, the strategic plan and the budget process. The plan should also recognise the Community Risk Register, maintained by the Essex Resilience Forum, to ensure that external impacts are recognised and allowed for.

The Business Continuity process must also be closely linked to the Emergency Planning process. In any major scenario it is likely that other organisations in the Borough will be effected as well and it is essential for the Council to be able to respond to their requirements as well as its own. Due to the nature of the response required from Emergency Planning it is likely that they will be the first service to receive external information regarding potential issues and it is imperative that there is a system for incorporating these issues in the Business Continuity process.

7.0 Training

All members of the Corporate Response Team and the Service Teams need to be trained on an annual basis to ensure that they are fully aware of how to implement the plan. All staff should be informed of the process and further training should be available if required. Members should be trained to ensure that they know of the existence of the plan and also how they can assist, politically, in the continuity and recovery process.

8.0 Review Process

The Plan will be reviewed annually to ensure that it is still relevant to the Council's needs. However the individual plans for each service will be subject to review every six months to ensure that information on service functions and contact details are kept up to date. The high risks and priority services will also be re-assessed annually.

Appendix 1

ROLES & RESPONSIBILTIES FOR BUSINESS CONTINUITY

	Strategy And Plan	Defence	Continuity	Recovery	
Members	Agreeing the strategy and plan determined by officers.	Endorsing the defence plans and ensuring that political decisions are taken with due regard for Business Continuity.	Political will to ensure that there is a united approach to continuity.	Political will to ensure that there is a united approach to recovery.	
Business Continuity Co-ordinator	iness tinuity ordinatorco-ordinating the strategy and plan.defence actions are appropriately implemented, are regularly reviewed and that services have developedthe Corporate Response Team and the Service Guida Guidance on the plan and mitigating actionsthe S		Co-ordination of the Service Action Teams. Guidance on the plan and reporting progress of recovery to senior management.		
Senior Management Team	Approval and support of the strategy and plan. Completion of service plans.	Critical review and approval of the defence actions.	Support of the actions of the Corporate Response Team during the incident.	Support the actions of the Service Action Teams , endorse recovery priority for services.	
Corporate Response Team	Overview of strategy and plan. Review of 'new issues'.	Critical review of the defence plans. Ensuring that the information contained within the plan is accurate. Annual testing of the plan.	Control the response to the incident until such time as the organisation enters the recovery stage. Ensuring that priority services are afforded the proper support. Ensuring information is available to members and staff. Keeping SMT informed.	Review the actions of the Service Action Teams. Facilitate full recovery and ensure that recovery follows the correct priority. Liaison with external agencies. Ensuring information is available. Keeping SMT informed	
Service Action Teams	Input into the formulation of the strategy and plan.	Development of defence plans and implementation of control actions. Ensure that checklists of key info are compiled. Identification of service priorities.	Co-ordinate their service's response. Act as a liaison between Corporate Response Team and Service. Respond to Corporate Response teams requests during an incident.	Implement their own team recovery plan whilst maintaining the link with the Corporate Response Team. Briefing staff. Overseeing alternative accommodation.	
Employees, contractors and partners Knowledge the strateg and plan, a awareness impact on job / service		Knowledge of the defence plans and awareness of impact on own job / service	Assist with the incident where required. Know how to / who to contact in emergency.	Assist with recovery where required. Understand how they fit into the recovery of their service.	

	Governance Committee			Item 9
Colchester	14 January 2014			
Report of	Assistant Chief Executive A	Author	Mike Thurston ☎ 282396 Steve Heath ☎ 282389	
Title	Local Government Pension Scheme			
Wards affected	Not applicable			

The Panel is invited to review the arrangements relating to the Local Government Pension Scheme administered by Essex County Council

1. Action required

1.1 To review and consider the Council's pension arrangements including the current and future financial strain, as requested by the Committee in its meeting of 24 September 2013.

2. Current scheme

- 2.1 The Local Government Pension Scheme (LGPS) is currently a defined benefit scheme often referred to as a 'final salary scheme'. The entitlement to this, the benefits payable, employee contributions and associated rules are governed by Act of Parliament. As a result of this individual Councils have no powers to amend, withdraw or replace the scheme, or prohibit membership in any way.
- 2.2 Unlike most other public sector pension schemes, the LGPS is a funded scheme. This means that pensions are paid from income received on its investment portfolio, built up from employee and employer contributions. It is the biggest pension fund in the UK. Other unfunded schemes have no such investment portfolio and pensions are paid out of current employee and employer contributions and government taxation.
- 2.3 The scheme is administered for all Essex Authorities by Essex County Council, with each Council's fund held separately but subject to one overall investment strategy. The schemes are re-valued on a triennial basis by an appointed scheme actuary who reports on the funding level, any deficiency which is due to be paid by the employer and future employer contribution rates. The scheme funding will be affected by a number of factors such as investment returns, mortality rates and scheme membership. It is this degree of uncertainty and the obligations it presents to employers which have resulted in the move away from defined benefit schemes in the private sector and into 'money purchase' schemes, without these risks.
- 2.4 Under current Local Government legislation if any operation is outsourced that involves a transfer of staff, then the new employer has to provide a comparable scheme or become a member of the LGPS. It is probably reasonable to say that this requirement precludes some suppliers from tendering for contracts or if they do, they will build pension risks and liabilities into their costs. This requirement does not apply to the private sector

3. **Future Changes**

3.1 Over recent years there have been a number of changes to the LGPS, all aimed at making the scheme less costly for the employer. The next change will take effect in April 2014, and will move pensions from being based on the final salary to being based on a re-indexed career average; normal retirement age will be linked to state pension age and there will an agreed cost sharing ratio between employee and employer. These changes affect future service from April 14 with previous service based on the previous scheme. This change is likely to reflect a pattern in the rest of public sector.

4. Deficits

- 4.1 When a member joins the LGPS they build up pension benefits in respect of their length of service. These benefits will be paid in the future and so a number of assumptions have to be made about what will happen between now and the payment date. These assumptions include investment returns, salary increases, and ill health retirements, as well as how long the pensions benefits will be paid for. Contributions are paid and invested in assets to pay for these benefits in the future.
- 4.2 The amount that would be needed to pay for the pension benefits that relate to past service, allowing for future investment returns is the target amount of assets. This is more commonly known as the past service liabilities.
- 4.3 The current value of the assets can be compared to the liabilities and if the liabilities are greater than the assets currently held then the difference is said to be the deficit. If there are more assets than the liabilities then there is a surplus.
- 4.4 If the employer is in deficit additional contributions have to be made on top of the ongoing contributions in order to return to a position where the assets equal the liabilities. The greater the deficit contributions paid early on, the less is required to be paid in the long run as these early contributions can be invested with the returns reducing the contributions needed in the future.
- Deficits and surpluses arise due to the assumptions not being borne out in practice. 4.5 Possible reasons for deficits arising include:
 - Investment returns being lower than expected. •
 - Salary increases being greater than assumed. •
 - Increased ill health retirements.
 - Members receiving a pension for longer.
- 4.6 Funding levels are taken as the ratio of assets to liabilities. In general for the 2013 valuation, funding levels have increased. Reasons for this are:
 - Investment returns have been better than expected. •
 - Salary increases have been lower than expected.
 - Deficit contributions paid by employers to the Fund. •

5. **Ongoing contributions**

- 5.1 The above covers the service up to a particular date. An ongoing contribution rate is also needed to obtain the level of contributions required to meet the cost of new pensions benefits and this is usually based on the same assumptions as are used for the deficit.
- 5.2 For the 2013 valuation, the ongoing rate has been affected by the following.
 - Membership movements. With all else being equal, the younger the employer's • members the lower the cost as the contributions can be invested for longer. Overall the membership has aged slightly.

- Financial assumptions. The outlook for investment returns has deteriorated since the last funding valuation pushing up the cost of the benefits. This has been the main reason for the increase in the ongoing rate.
- Change in mortality assumptions. After performing an analysis of the mortality over the intervaluation period, the assumption has been adjusted to be more in line with the observation that members will live longer in retirement, increasing the cost of pensions benefits.
- Change of benefits. In general there has been a slight increase in the rate due to the accrual rate of 1/60ths moving to 1/49ths for each year of pensionable service.
- 50/50 scheme. It is assumed that 10% of members will opt for the 50/50 scheme (pay half the contributions to receive half the benefits). This reduces the ongoing rate by almost 1% of salary.

6. Accounting versus funding valuation

- 6.1 The financial assumptions that are used to measure the liabilities in the Statement of Accounts are very different to those used for the funding valuation. The valuation method that is required for the Statement of Accounts is prescribed by the IAS19/FRS17 accounting standard. This requires the discount rate used to calculate the present value of liabilities to be based on high quality corporate bonds. However, the discount rate for the funding valuation is based on the expected return from the Pension Fund, which is most heavily invested in equities. As equities are expected to provide a higher return than corporate bonds the discount rate under the funding valuation is higher than that calculated using the IAS19/FRS17 method.
- 6.2 As the funding valuation liabilities are lower than the IAS19/FRS17 liabilities, and the asset valuation are broadly the same under each approach, the deficit (assets minus liabilities) is lower under the funding valuation than the IAS19/FRS17 valuation. The extent of the difference between the two methods can be illustrated by comparing Colchester's share of the deficit determined in the 2013 funding valuation with that reported in the 2012/13 Statement of Accounts:

	2012/13 SoA £'000	2013 Valuation £'000
Assets	111,911	109,451
Liabilities	(206,823)	(148,216)
Deficit	(94,912)	(38,765)

6.3 Under each approach the demographic assumptions (mortality, ill health retirements, proportions married etc.) are the same.

7. Triennial funding valuation

- 7.1 The Council has now received the draft results of the 2013 triennial valuation, which determines the amounts payable for the three years commencing 2014/15. The basis of the projected contributions covered by the new valuation cycle is the total of pensionable pay as at 31 March 2013.
- 7.2 The main changes resulting from this valuation are that there has been an increase in funding levels, which has decreased the cash size of the deficit, and that the ongoing contribution rate for all employers has increased. For Colchester this means an increase in our employer contribution rate from 11.8% to 13.7% of pensionable pay.
- 7.3 The Council's options for its contributions over the next three years are based on the agreed Funding Strategy, which is:
 - no reduction in employer contributions (given that the Fund remains in deficit);

- stability of contributions in 2014/15 (increase below 1% of payroll);
- the starting point for the deficit duration being 21 years, although other durations may apply;
- A maximum duration of 30 years;
- 7.4 Employers have been given a number of options for spreading the deficit payment over the three years commencing from 2014/15. These recognise the financial pressures that authorities find themselves under and take into account the total deficit repayment period, the frequency and timing of payments, and whether the amount increases or remains the same over the three year period. Councils are also able to make additional lump sum payments to reduce the size of the deficit should they so choose. The draft options include:
 - the payment of annual deficit in one April payment (i.e. a lump sum at the start of each year), or in twelve monthly instalments;
 - the payment of the entire deficit due over 2014/15, 2015/16 & 2016/17 in one triennial payment in April 2014 (i.e. a lump sum at the start of this valuation payment cycle);
 - deficit payments to increase by 4.5% p.a. or remain static over the three-year period.
- 7.5 The Council are currently considering these options for the 2014/15 budget and beyond. The final position will be confirmed in the budget report to be submitted to Council on 19 February 2014.

8. Strategic Plan references

8.1 The objectives and priorities of the Strategic Plan inform all stages of the annual budget process.

9. Financial implications

9.1 As set out in the report.

10. Other Standard References

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

Background Papers

None



Governance Committee

14 January 2014

Report of Assistant Chief Executive

Author

Amanda Chidgey 282227

Title Work Programme 2013-14

Wards Not applicable

affected

This report sets out the current Work Programme 2013-2014 for the Governance Committee.

1. Decisions Required

1.1 The Committee is asked to note the contents Committee's Work Programme for 2013-14.

2. Alternative options

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

3. Introduction

- 3.1 The Governance Committee deals with the approval of the Council's Statement of Accounts, audit, other miscellaneous regulatory matters and standards.
- 3.2 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.

4. Supporting Information

4.1 Ernst and Young, the Internal Auditor, has advised that it will not be possible to complete the interim work for the Audit Opinion Plan report for the January meeting of the Committee and have requested that the item be rescheduled for the first meeting in the next municipal year.

5. Strategic Plan References

5.1 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.

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 or risk management implications.

Meeting date / Agenda items

25 June 2013 (Chairman's briefing, 5.00pm, 20 June at Rowan House)

1. Draft Annual Statement of Accounts (Finance Manager)

2. 2012-13 Annual Governance Statement and Framework (Risk and Resilience)

3. 2012-13 Risk Management Strategy (Risk and Resilience)

4. 2012-13 Annual Governance Statement and Audit Report CBH (David Lincoln CBH)

5. 2012-13 Internal Audit report (Audit and Governance)

30 July 2013

27 August 2013

24 September 2013 (Chairman's briefing 2.30pm 19 September at Rowan House)

- 1. Audited Annual Statement of Accounts (Finance Manager)
- 2. Annual Governance Report (Ernst and Young)

15 October 2013 (Chairman's briefing 2.30pm 10 October at G7 Rowan House)

- 1. Publication of the Audited Statement of Accounts (Finance Manager)
- 2. Update on Localism Act Provisions (Monitoring Officer)
- 3. Local Government Ombudsman annual review (Monitoring Officer)
- 4. Anti-Fraud and Corruption, Whistleblowing, Anti-Money Laundering and Benefits Fraud
 - Sanctions Policies (Monitoring Officer)
- 5. Local Code of Corporate Governance review (Monitoring Officer)

19 November 2013 (Chairman's briefing 2.30pm 12 November at G7 Rowan House)

1. Annual Audit Letter (Ernst and Young)

2. 2013-14 Interim Annual Governance Statement (Risk and Resilience)

3. 2013-14 Interim Risk Management (Risk and Resilience)

4. 2013-14 Interim Internal Audit Monitor, including 'recent issues' at the Shrub End Depot (Audit and Governance)

5. Current recruitment policy for applicants related to staff employed by the Council (Assistant Chief Executive)

14 January 2014 (Chairman's briefing 2.30pm 9 January at G7 Rowan House)

1. Grants and Certifications (Ernst and Young)

2. Annual Business Continuity report (Risk and Resilience)

3. Review of Pensions, including the current and future financial strain (Assistant Chief Executive)

Items for scheduling in 2014-15

1. Audit Opinion Plan (Ernst and Young)