

Wednesday, 15 September 2021

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AUDIT AND GENERAL PURPOSES COMMITTEE

You are summoned to a meeting of the Audit and General Purposes Committee which will be held in the Council Chamber, Woodgreen, Witney, OX28 1NB on **Thursday, 23 September 2021 at 6.00 pm.**



Giles Hughes
Chief Executive

To: Members of the Audit and General Purposes Committee

Councillors: Alex Postan (Chairman), Councillor Dan Levy (Vice-Chair), Councillor Jake Acock, Councillor Joy Aitman, Councillor Luci Ashbourne, Councillor Andrew Beaney, Councillor Julian Cooper, Councillor Rupert Dent, Councillor Colin Dingwall, Councillor Harry Eaglestone, Councillor Duncan Enright, Councillor Gill Hill, Councillor Richard Langridge, Councillor Martin McBride, Councillor Elizabeth Poskitt, Councillor Harry St John and Councillor Alex Wilson.

Recording of Proceedings – The law allows the public proceedings of Council, Cabinet, and Committee Meetings to be recorded, which includes filming as well as audio-recording. Photography is also permitted. By participating in this meeting, you are consenting to be filmed.

As a matter of courtesy, if you intend to record any part of the proceedings please let the Democratic Services officers know prior to the start of the meeting.

AGENDA

1. **Minutes of Previous Meeting** (Pages 5 - 10)
To approve the minutes of the meeting held on 24 June 2021.
2. **Apologies for Absence**
To receive any apologies for absence.
3. **Declarations of Interest**
To receive any declarations from Members of the Committee on any items to be considered at the meeting.
4. **Participation of the Public**
To receive any submissions from members of the public, in accordance with the Council's Rules of Procedure.
5. **External Audit Progress Report & Sector Update** (Pages 11 - 18)
To receive an update from a representative of Grant Thornton.
6. **Internal Audit Progress Report** (Pages 19 - 44)
Purpose
To present a summary of the audit work concluded since the last meeting of this Committee.

Recommendation
That the Committee considers the report at Annex A and comments as necessary.
7. **Counter Fraud Unit Report** (Pages 45 - 50)
Purpose
To provide the Committee with assurance over the counter fraud activities of the Council. Direct updates will continue to be provided biannually.
Work plans are presented to the Committee detailing progress and results for consideration and comment as the body charged with governance in this area.

Recommendation
That the Committee notes the report and work plan at Annex A.
8. **Use of the Internet and Social Media in Investigations and Enforcement Policy** (Pages 51 - 60)
Purpose
To present the Audit and General Purposes Committee with a new Use of the Internet and Social Media in Investigations and Enforcement Policy for comment.

Recommendation
That the Committee considers the Use of the Internet and Social Media in Investigations and Enforcement Policy to comment thereon to Cabinet, to aid its deliberations and decision making.

9. **Introduction of a Committee Work Programme (Pages 61 - 68)**

Purpose

To provide the Committee with a Work Programme for 2021/2022

Recommendation

That the Committee approves the work programme and provides comment where needed.

10. **Minutes of Miscellaneous Licensing Sub-Committee (Pages 69 - 74)**

Purpose

To receive the following minutes of the Miscellaneous Licensing Sub-Committee:

- 18 March 2021
- 2 July 2021

Recommendation

That the minutes be noted.

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WEST OXFORDSHIRE DISTRICT COUNCIL

Minutes of the meeting of the
Audit and General Purposes Committee
Held in the at 6.00 pm on **Thursday, 24 June 2021**

PRESENT

Councillors: Councillor Alex Postan (Chairman), Councillor Dan Levy (Vice-Chair), Councillor Joy Aitman, Councillor Luci Ashbourne, Councillor Andrew Beaney, Councillor Julian Cooper, Councillor Rupert Dent, Councillor Colin Dingwall, Councillor Duncan Enright, Councillor Gill Hill, Councillor Martin McBride, Councillor Elizabeth Poskitt, Councillor Harry St John, Councillor Dean Temple and Councillor Alex Wilson

Officers: Emma Cathcart (Counter Fraud Unit Manager) and Elizabeth Griffiths (Chief Finance Officer, Deputy Chief Executive and Section 151 Officer)

1 Minutes of Previous Meeting

The minutes of the meeting held on 18 March 2021 were approved and signed by the Chairman as a correct record.

2 Apologies for Absence

Apologies for absence were received from Councillors Jake Acock and Richard Langridge.

Councillor Dean Temple substituted for Councillor Harry Eaglestone.

3 Declarations of Interest

There were no declarations of interest received.

4 Participation of the Public

There was no participation of the public.

5 Chairman's Welcome

Councillor Postan welcomed all Members to this first meeting of the municipal year and asked everyone present to introduce themselves, including officers.

6 Internal Audit Opinion 2020/21

The Committee received and considered the report of the Chief Finance Officer, which presented a summary of the work undertaken by Internal Audit during 2020/21 and gave an overall opinion on levels of assurance resulting from this work.

The Assistant Director, SWAP Internal Audit Services introduced the report and highlighted the two annexes – Internal Audit Annual Opinion 2020/21 and Summary of Work Completed Since March 2021. The Annual Opinion contained a Key Points section on page 42 which provided an 'At a Glance' overview.

A number of questions were raised relating to the work on the Section 106 contributions and the Chief Finance Officer explained that the project was completed as far as the historical data was concerned. She advised that officers were now working on the 'business as usual aspect'. Due to staff absence, other officers had stepped in and picked up the work and she thanked all those involved. Following a question from Councillor St John, Mrs Griffiths reiterated that the

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system was not going to be accessible by the public or parish councils but requests would be submitted and officers would respond accordingly.

Other queries raised by Members included:

Time limits on the agreements and how this would be checked;

The ability to charge developers for staff time, which was possible moving forwards but not retrospectively.

Having considered the report and debated the content, Members

RESOLVED that the report be noted.

7

Counter Fraud Unit Report and Proceeds of Crime and Anti-Money Laundering Policy

Members received a report from the Counter Fraud Unit Manager which provided a summary of the activities undertaken by the team and the annual update in relation to the Regulation of Investigatory Powers Act 2000 (RIPA), the Investigatory Powers Act 2016 (IPA) and the Council's existing authorisation arrangements.

The report also provided the Committee with an updated Proceeds of Crime and Anti-Money Laundering Policy, which set out the Council's legislative obligations, for approval and adoption.

When asked if the revenue streams generated by the Counter Fraud Unit could be summarised, Ms Cathcart explained that this was hard to quantify as there were streams of loss avoidance, recovery and income to be considered. In addition the team undertook preventative activities such as training across the partnership, which consists of six Councils. She advised that criminal enforcement activity was not as prevalent within West Oxfordshire but this was improving and investigations were being referred from every pocket of the Council.

It was noted that there had been an opportunity for fraudulent activity in relation to the Business Grants and Ms Cathcart explained that the Counter Fraud Unit had actively taken part in the assessment and verification processes to reduce risks. The team were looking to pursue any potential prosecutions relating to fraudulent applications and were overseeing the post payment audit work with SWAP.

Additional questions relating to the Business Grants included whether the Council got to retain any of the money as it was administering the grants on behalf of the government and whether the debt could be sold on. It was outlined that the Council had received new burdens funding to aid the administrative processes and that BEIS had indicated that they would take responsibility for debts where the Council could show that it had exhausted recovery routes,

The issue of penalties for fly-tipping was discussed and whether it was an appropriate deterrent. Ms Cathcart outlined that fixed penalty notices were utilised where the offence warranted this as an alternative to prosecution not as a replacement. Serious incidents would still be considered for prosecution.

Councillor Poskitt queried how much of the fraud was human error compared to deliberate acts. Ms Cathcart explained that fraud is a criminal offence and could not be reported as such until an individual has been prosecuted. Where there is error, it would be recorded as such.

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Having considered the report and having debated the content, the Committee

RESOLVED that

1. the report and work plan attached at Annex A, are noted;
2. the Proceeds of Crime and Anti-Money Laundering Policy at Annex B is approved and adopted; and
3. the Deputy Chief Executive (Chief Finance Officer) is authorised to approve future minor amendments to the Policy in consultation with Finance, Legal Services and the Counter Fraud Unit.

8

External Auditor 2020/21 Audit Plan

The Committee received and considered the report of the Chief Finance Officer, to which was attached an Annex containing the External Audit Plan for 2020/21, which included the key matters, risks and scope of the audit.

Peter Barber (Engagement Lead, Grant Thornton) introduced the report and highlighted the Materiality, Significant Risks and key sections of the report. He noted that West Oxfordshire had a larger portfolio of investment properties and assured Members that the Valuers' opinion was challenged where necessary. He advised that the Pension Liability was an area that was scrutinised and reiterated the Value for Money section of the report. The main audit risk that keeps being brought up is the hole in the MTFS, and the plans for addressing it

Mr Barber went on to explain the proposed uplift in fees, as outlined on page 30 of the report) and advised that his team were due to start work on Monday, meeting with key officers across the Council. Mr Barber answered a number of questions from Members relating to the uplift in fees and reminded the meeting that there were likely to be bigger challenges in later years, with a need to save money. These savings would impact on how the Council chose to spend its money.

In response to a question from Councillor Postan, the Chief Finance Officer explained the rates reset and the loss of New Homes Bonus together comes to £4m. Councillor Postan asked if it would be possible to see the questions posed that highlighted a possible change in risk in relation to the Pension Liability and interest rates. Mrs Griffiths advised that this exercise was undertaken every year.

Following further questions about the risk of investing in property compared to retaining money in the bank, Mrs Griffiths explained that most of the Council's property investment was focused in the commercial sector which resulted in a better yield than the Treasury Investment fund.

The Chairman thanked the External Auditors for their work, input and explanations, and the Committee

RESOLVED: That the report be noted.

9

KPMG LLP Reports - Housing Benefit Subsidy Certification

Members received a report from the Group Manager: Resident Services and the Business Manager for Operational Support and Enabling which noted the outcome of the Housing Benefit Subsidy Grant Certification audit for 2019/20.

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The report explained that in financial years prior to 2018/19, the annual housing benefit subsidy audit had formed part of the procurement process for external audit services. This procurement was carried out on behalf of local authorities by the Audit Commission.

Since the demise of the Audit Commission, the Council had used PSAA Ltd (a company established and owned by the Local Government Association) to procure its external audit services.

Due to changing legislation, the procurement for external audit services from 2018/19 onwards could not include the audit of the Housing Benefit Subsidy claim. Therefore, with effect from the 2018/19 financial year, the Council was required to procure this specialist service directly and had procured the services of KPMG LLP to carry out the Housing Benefit subsidy claim audit for the 2018/19 and 2019/20 financial years.

Having considered the report, the Committee

Resolved that the report be noted.

10 Corporate Risk Register Updates

Members received a report from the Chief Executive which updated the Committee on the changes to the Council's corporate risk register at the end of Quarter Three of 2020/21.

The Risk Register had been updated by the risk owners during Quarter 1 and reviewed by the Council's Management Team on 26 May 2021. A copy of the register was attached at Annex A to the report.

The report advised that the intention was to review both the format of the register and risks. The risk register is being reviewed and overhauled, new risk escalation process needs to be created and approved. The new format and risk scoring would follow the methodology set out under a new Risk Management Policy. An update on the progress is set for the next Audit and General Purposes Committee scheduled for 23 September.

The Risk, Insurance and Procurement Officer was in attendance to answer questions from Members.

Councillor St John queried the information on page 93 of the report relating to Publica staff. He asked if there was a departmental budget for a set number of people, if statistics were available on numbers and the cost of agency staff.

Mr Butler advised that salaries and employment was kept to a budget and monitored by the Publica Board and HR. The Deputy Chief Executive advised that the recruitment process was under review as it had been acknowledged that some key posts were difficult to recruit to.

Councillor Postan suggested that the risk should be marked as 'red' bearing in mind the problems with staffing numbers in the Planning Department.

Members also raised queries and debated issues relating to development at Brize Norton and Housing Land Supply numbers.

Councillor Levy raised the concern that many of Publica's employees had to be sought from further afield due to the high cost of living and housing in West Oxfordshire.

Having considered the report and having heard from the officers present, the Committee

Resolved that the report be noted.

11 Member Questions

Audit and General Purposes Committee

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The Chairman addressed the meeting and read out the remit of the Audit and General Purposes Committee.

Councillor Postan went on to highlight the issue of staffing levels within Publica and advised that he did not feel some areas were getting the correct level of service, for residents and staff. He asked the Committee to consider active and positive suggestions for ways to solve the problem and reduce the risk.

Councillor Postan noted that the Publica Board were in the process of appointing an auditor and suggested that a representative be invited to the next Audit and General Purposes meeting. He felt that Councillors had taken the risk of starting Publica and had a duty to consider the value of that decision in monetary terms. He also felt that if more authorities joined Publica, West Oxfordshire's position could be diluted.

Councillor Dingwall felt that the Council had invested a huge amount of time and support and it would be unfair another member to join.

In response to a question of clarification from the Deputy Chief Executive, Councillor Postan advised that the evidence for scrutinising this issue was based on turnover and there was an evidential lack of service following the issues encountered in the planning department.

Councillor Postan asked if the review that Publica were undertaking into recruitment could be shared with Members and Mrs Griffiths advised that this would be possible, whilst reiterating that the Publica recruitment review was addressing the recruitment process and not the staffing levels, which were being addressed independently.

The Meeting closed at 7.40 pm

CHAIRMAN

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Audit Progress Report and Sector Update

West Oxfordshire District Council
Year ending 31 March 2021
14 September 2021



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Introduction



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This paper provides the Audit and General Purposes Committee with a report on progress in delivering our responsibilities as your external auditors.

The paper also includes a summary of emerging national issues and developments that may be relevant to you as a local authority.

Members of the Audit and General Purposes Committee can find further useful material on our website, where we have a section dedicated to our work in the public sector. Here you can download copies of our publications www.grantthornton.co.uk

If you would like further information on any items in this briefing, or would like to register with Grant Thornton to receive regular email updates on issues that are of interest to you, please contact either your Engagement Lead or Engagement Manager.

Progress at 14 September 2021

Financial Statements Audit

We presented our 2020/21 audit plan to the Audit and General Purposes Committee in June 2021. This set out our proposed approach to the audit of the Council's 2020/21 financial statements.

The significant risks we identified within the plan was as follows:

- Management override of controls;
- Valuation of land and buildings;
- Valuation of investment properties; and
- Valuation of net pension fund liability.

In presenting the plan we noted that MHCLG has set an indicative date of 30 September 2021 for audited local authority accounts (two months earlier than in 2019/20).

Given the system-wide pressures set out in our audit plan, we indicated that delivery against this target would be a significant challenge across the sector.

We selected a sub-set of our LG councils, where we felt we had the greatest change of completing the audit by 30 September 2021 to prioritise, and this included West Oxfordshire District Council.

Progress as at 14 September 2021

Our audits of the Council's 2020/21 financial statements commenced in early July 2021 in accordance with our original timetable.

Since then progress has been slower than we would have hoped. This has been due to a number of factors, most notably resourcing challenges on our side.

This, combined with the challenges of working in a remote environment, the increased volume of work that we need to do to be able to issue a safe opinion, and the additional scrutiny we are under from our regulator has resulted in us needing to revise our completion timetable.

It is important to stress that we have had good co-operation from the Council's finance officers. Both teams have worked hard to deliver to the original timeline but we recognise that this is now not achievable.

From our work undertaken to date, we have not identified any significant or material issues impacting on the accuracy of draft financial statements presented for audit, however, this is subject to the usual caveat that we need to complete the remainder of our work.

From a context point of view, we want to assure you that you are not alone in being in this position, with the national picture being such that a significant proportion of local government audits will not meet the deadline of the end of September, and we are aware that some firms are not even starting their LG audits until the beginning of October. The delays nationally reflect the late start on many 2020/21 audits due to overrunning 2019/20 audits.

Progress at 14 September 2021

Way forward

Although it is disappointing we will not be able to achieve the early September completion. We are not too far behind our original schedule.

We are keen to get the opinion audit complete as soon as is practical, but want to work out a robust resource plan from our side to make sure we can deliver to the agreed revised timescale. We anticipate that this would mean we are working to a target timeline of the middle of November with an Audit and General Purposes Committee just after this to receive our audit findings report ahead of adoption of the accounts and us issuing our opinion. We are currently working through the exact resourcing details and will communicate this to your finance team once we have more exact dates.

Finally, regarding the opinion, as is the case each year we are reliant on the receipt and clearance of any issues arising from the auditors of Oxfordshire Pension Fund letter of assurance in respect of your IAS19 pension disclosures. We have written to the auditors in July and asked for the letter by the end of August at the latest. As of today, we have not received this response.

As a team we are committed to completing this audit as soon as practically possible. The timeline above reflects some leave that our team have booked off in early October.

We would like to put on record our appreciation for the continued support from officers at the Council.

Value for Money

On 1 April 2020, the National Audit Office introduced a new Code of Audit Practice which comes into effect from audit year 2020/21. The Code introduced a revised approach to the audit of Value for Money. (VFM)

There are three main changes arising from the NAO's new approach:

- A new set of key criteria, covering financial sustainability, governance and improving economy, efficiency and effectiveness
- More extensive reporting, with a requirement on the auditor to produce a commentary on arrangements across all of the key criteria, rather than the current 'reporting by exception' approach
- The replacement of the binary (qualified / unqualified) approach to VFM conclusions, with far more sophisticated judgements on performance, as well as key recommendations on any significant weaknesses in arrangements identified during the audit.

The Code require auditors to consider whether the body has put in place proper arrangements to secure economy, efficiency and effectiveness in its use of resources.

When reporting on these arrangements, the Code requires auditors to structure their commentary on arrangements under the three specified reporting criteria (i.e. financial sustainability, governance and improving economy, efficiency and effectiveness).

The NAO has set a deadline for the completion of this work as three months after the opinion on the Council's financial statements has been given.

At this stage we continue to work to the original timeline of the end of December 2021 for completion for this work.

Audit Deliverables

2020/21 Deliverables	Planned Date	Status
Accounts Audit Plan We are required to issue a detailed accounts audit plan to the Audit and General Purposes Committee setting out our proposed approach in order to give an opinion on the 2020/21 financial statements.	April 2021	Completed (issued 7 May 2021)
Audit Findings Report The Audit Findings Report will cover the findings on our financial statements audits.	September 2021 (now expected to be November 2021)	Not yet due
Auditors Report This is the opinion on your financial statements and annual governance statement.	September 2021 (now expected to be November 2021)	Not yet due
Auditor's Annual Report This summarises the work undertaken as part of our Value for Money assessment. The NAO has set a deadline for the completion of this work as three months after the opinion on the Council's financial statements has been given.	September 2021 (now expected to be December 2021)	Not yet due

Annual Transparency Report – Grant Thornton

As auditors of several listed entities as well as nearly one hundred major local audits, we are required as a firm to publish an annual transparency report.

The report contains a variety of information which we believe is helpful to audit committees as well as wider stakeholders. The Financial Reporting Council (FRC) in their thematic review of transparency reporting noted that they are keen to see more Audit Committee Chairs actively engaging and challenging their auditors on audit quality based on the information produced in Transparency reports on a regular basis. We agree with the FRC and are keen to share our transparency report and discuss audit quality with you more widely.

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The transparency report provides details of our:

- Leadership and governance structures
- Principle risks and Key Performance Indicators
- Quality, risk management and internal control structure
- Independence and ethics processes
- People and culture
- Compliance with the Audit Firm Governance code and EU Audit directive requirements

We have made significant developments in the year as part of our Local Audit Investment Plan to improve our audit quality. We welcome an opportunity to discuss these developments and our transparency report should you wish.



The full report is available here:

[Transparency report 2020 \(grantthornton.co.uk\)](https://www.grantthornton.co.uk/transparency-report-2020)

 WEST OXFORDSHIRE DISTRICT COUNCIL	WEST OXFORDSHIRE DISTRICT COUNCIL
Name and date of Committee	AUDIT AND GENERAL PURPOSES COMMITTEE – 23 SEPTEMBER 2021
Report Number	Agenda Item 6
Subject	INTERNAL AUDIT PROGRESS REPORT
Wards affected	N/A
Accountable member	Councillor Suzi Coul, Cabinet Member for Finance Email: suzi.coul@westoxon.gov.uk
Accountable officer	Elizabeth Griffiths, Chief Finance Officer Tel: 01993 861188 Email: Elizabeth.Griffiths@westoxon.gov.uk
Summary/Purpose	Purpose
Annexes	Annex A – Report of Internal Activity 2021/22
Recommendation/s	<i>a) That the Committee considers the report at Annex A and comments as necessary</i>
Corporate priorities	Delivering excellent modern services whilst ensuring the financial sustainability of the Council.
Key Decision	NO
Exempt	NO
Consultees/ Consultation	N/A

1. BACKGROUND

- 1.1.** The Internal Audit Service is provided to this Council by SWAP Internal Audit Services (SWAP). SWAP is a local authority-controlled company.
- 1.2.** The report attached at Annex A sets out the work undertaken by SWAP for the Council since the last meeting of this Committee. It follows the risk-based auditing principles and, therefore, this is an opportunity for the Committee to be aware of emerging issues which have resulted from SWAP involvement.
- 1.3.** Officers from SWAP will be in attendance at the Committee meeting and will be available to address Members' questions.

2. MAIN POINTS

- 2.1.** The progress report enables the Audit and General Purposes Committee to monitor the work of the Internal Audit Service and ensure that it remains effective. It also provides the Committee with assurance opinions over areas reviewed within the reporting period, details of audit recommendations and the outcome of follow-up reviews conducted on previous audit recommendations.

3. FINANCIAL IMPLICATIONS

- 3.1.** The Internal Audit Service is operating within the contract sum.

4. LEGAL IMPLICATIONS

- 4.1.** None directly from this report. Internal Audit reviews consider compliance with legislation relevant to the service area under review.

5. RISK ASSESSMENT

The weaknesses in the control framework, identified by the Internal Audit activity, continues to threaten organisational objectives if recommendations are not implemented.

6. BACKGROUND PAPERS

- 6.1.** Internal Audit Reports

West Oxfordshire District Council

Report of Internal Audit Activity

September 2021

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The contacts at SWAP in connection with this report are:

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- Appendices:

Appendix A – Internal Audit Definitions

Appendix B – Audit Plan Progress

Appendix C – Summary of Audit Assignments

Appendix D – High Priority Findings and Agreed Actions

Appendix E – Summary of Agreed Actions

At the conclusion of audit assignment work each review is awarded a “Control Assurance Definition”;

- No
- Limited
- Reasonable
- Substantial

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Audit Framework Definitions

Control Assurance Definitions

No	Immediate action is required to address fundamental gaps, weaknesses or non-compliance identified. The system of governance, risk management and control is inadequate to effectively manage risks to the achievement of objectives in the area audited.
Limited	Significant gaps, weaknesses or non-compliance were identified. Improvement is required to the system of governance, risk management and control to effectively manage risks to the achievement of objectives in the area audited.
Reasonable	There is a generally sound system of governance, risk management and control in place. Some issues, non-compliance or scope for improvement were identified which may put at risk the achievement of objectives in the area audited.
Substantial	A sound system of governance, risk management and control exists, with internal controls operating effectively and being consistently applied to support the achievement of objectives in the area audited.

Non-Opinion – In addition to our opinion based work we will provide consultancy services. The “advice” offered by Internal Audit in its consultancy role may include risk analysis and evaluation, developing potential solutions to problems and providing controls assurance. Consultancy services from Internal Audit offer management the added benefit of being delivered by people with a good understanding of the overall risk, control and governance concerns and priorities of the organisation.

Recommendations are prioritised from 1 to 3 on how important they are to the service/area audited. These are not necessarily how important they are to the organisation at a corporate level.

Each audit covers key risks. For each audit a risk assessment is undertaken whereby with management risks for the review are assessed at the Corporate inherent level (the risk of exposure with no controls in place) and then once the audit is complete the Auditors assessment of the risk exposure at Corporate level after the control environment has been tested. All assessments are made against the risk appetite agreed by the SWAP Management Board.

Audit Framework Definitions

Categorisation of Recommendations

When making recommendations to Management it is important that they know how important the recommendation is to their service. There should be a clear distinction between how we evaluate the risks identified for the service but scored at a corporate level and the priority assigned to the recommendation. No timeframes have been applied to each Priority as implementation will depend on several factors; however, the definitions imply the importance.

	Categorisation of Recommendations
Priority 1	Findings that are fundamental to the integrity of the service’s business processes and require the immediate attention of management.
Priority 2	Important findings that need to be resolved by management
Priority 3	Finding that requires attention.

Definitions of Risk

Risk	Reporting Implications
High	Issues that we consider need to be brought to the attention of both senior management and the Audit Committee.
Medium	Issues which should be addressed by management in their areas of responsibility.
Low	Issues of a minor nature or best practice where some improvement can be made.

Audit Type	Audit Area	Status	Opinion	No of Rec	Priority			Comments
					1	2	3	
					2020/21 Audits in Draft / In Progress at Annual Opinion			
Operational	Authority’s Response to Covid-19	Final Report	Medium Substantial	0				See Appendix C
Key Financial Control	Accounts Payable	Final Report	High Reasonable	3		1	2	See Appendix C
Key Financial Control	Payroll	Final Report	High Reasonable	1			1	See Appendix C
ICT	Systems Admin	Final Report	Medium Reasonable	2		2		Due to the sensitive nature of the audit the report is not published
Key Control	Human Resources	Final Report	Medium Reasonable	5		2	3	See Appendix C
Governance	Risk Management	Draft Position Statement						
ICT	Data Recovery Capabilities	Final Report	Low Substantial	1			1	Due to the sensitive nature of the audit the report is not published

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Audit Type	Audit Area	Status	Opinion	No of Rec	Priority			Comments
					1	2	3	
2021/22 Audit Plan								
Support	Business Grant Funding	Complete	N/A	-				Head of IA seconded to Council to support processing of Mandatory and Discretionary Business Grants from November onwards
Support	Business Grant Funding – Post Payment Assurance	On-Going	N/A	-				Head of IA working with Counter Fraud Manager to support post payment assurance review
Support	Environmental Services Improvement Programme	On-Going	N/A					Support to the Programme
Support	Ubico – New Shareholder	Complete	N/A					Support to Project Team
Operational	Accounts Payable	In Progress						Quarterly review of payments made
Operational	Fire Risk Assessments	Draft Report						
Support	Civica – Merge of 3 Systems	Complete						Support to Project Team
Operational	Procurement Cards	Scope Agreed						
Operational	Emergency Planning	In Progress						
Operational	Election Expenses – Treatment of VAT	Audit Deferred						Request to defer audit to 2022/23 due to change in officers
Operational	Procurement (Contract Management and Monitoring)	In Progress						
Governance	Governance of Programmes and Projects	Audit Brief drafted						

Audit Type	Audit Area	Status	Opinion	No of Rec	Priority			Comments
					1	2	3	
Operational	Publica Performance Information	Audit Brief drafted						
Key Financial Control	Revenues and Benefits							
	<ul style="list-style-type: none"> Council Tax and National Non-Domestic Rates 	Scope Agreed						
	<ul style="list-style-type: none"> Housing and Council Tax Benefits 	Scope Agreed						
Key Financial Control	Core Financials							
	<ul style="list-style-type: none"> Accounts Payable 							
	<ul style="list-style-type: none"> Main Accounting and Accounts Receivable 	Audit Brief Drafted						
	<ul style="list-style-type: none"> Payroll 	Audit Brief Drafted						
	<ul style="list-style-type: none"> Treasury Management and Bank Reconciliation 	In Progress						
Key Financial Control	Human Resources							
Key Financial Control	Other Support Service provided by Publica <ul style="list-style-type: none"> Procurement (Compliance with Strategy) 							
Grant Certification	Disabled Facilities Grants							
Grant Certification	Restart Grants	In Progress						

Audit Type	Audit Area	Status	Opinion	No of Rec	Priority			Comments
					1	2	3	
Follow-Up	Follow-Ups of Recommendations made in Substantial and Reasonable Audits	On Going						
Other Audit Involvement	Working with the Counter Fraud Unit	On Going						
Other Audit Involvement	Management of the IA Function and Client Support	On Going						
Other Audit Involvement	Contingency – Provision for New Work based on emerging risks							

The following information provides a brief summary of each audit review finalised since the last Committee update

Payroll – Final Report – June 2021

Audit Objective

To provide assurance key controls within Payroll are operating effectively to ensure that payments are accurate, appropriately authorised and made in a timely manner, also that the risks of fraudulent payments are minimised.

Assurance Opinion



There is a generally sound system of governance, risk management and control in place. Some issues, non-compliance or scope for improvement were identified which may put at risk the achievement of objectives in the area audited.

Number of Agreed Actions

Priority	Number
Priority 1	0
Priority 2	0
Priority 3	1
Total	1

Risks Reviewed

Salary payments are made incorrectly or fraudulently resulting in financial loss and reputational damage.

Assessment

Low

Key Findings

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Payroll processes have not changed because of home working. Basic payroll process notes were supplied for review along with the monthly payroll checklist. Review of the checklist found some items were not completed; changes will be made to the checklist going forward to ensure the correct tasks and reports are included. Process notes will also be updated to state when they were last reviewed.

One recommendation from 2018/19 has been implemented. Two previously outstanding recommendations now have compensating controls in place. One recommendation from 2019/20 is still outstanding, detail of this is included at appendix 2 of the report.



Reconciliation of payroll to the general ledger for all clients is not undertaken, but year-end reconciliations of control accounts is completed, and this is operating effectively.

We received satisfactory responses to our sample testing queries to support permanent and temporary contract variations were processed in accordance with guidance.

All payroll files are reviewed and authorised by an independent manager prior to processing the payments. Monthly variance reports are produced for all client payrolls to investigate exceptions and these are reviewed by a senior officer.

Audit Scope

The areas reviewed are as follows:

- Key Controls – Reconciliation of payroll to the general ledger, production and independent review of exception reports, payroll authorisation process.
- Follow up of recommendations made in previous audits.
- Sample testing of permanent and temporary contract variations processed between April 20 – February 2021.

Discussions were held with the Publica HR Manager – Recruitment, Business Centre & Payroll.

Other Relevant Information

Due to Covid-19, payroll officers are working from home unless essential they need to be in the office. Documentation required for new starters, leavers and variations to contracts is the same as before the pandemic but supplied via email. Policies on the Publica Portal contain guidance for the parts of payroll processes delegated to service areas (self-service in BWO), these have been reviewed within the last 2 years but not since Coronavirus.

Accounts Payable – Final Report – June 2021

Audit Objective

To ensure the Council has an effective control framework in place for its Accounts Payable / Creditor's function.

Assurance Opinion



There is a generally sound system of governance, risk management and control in place. Some issues, non-compliance or scope for improvement were identified which may put at risk the achievement of objectives in the area audited.

Number of Agreed Actions

Priority	Number
Priority 1	0
Priority 2	1
Priority 3	2
Total	3

Risks Reviewed

Fraudulent, invalid, or late payments are made resulting in financial loss and / or reputational damage.

Assessment

Low

Key Findings



There is currently no way to monitor when an amendment has been made to a supplier account in Business World On!. The AP Team Leader confirmed she will escalate this with Publica Business World On System Support to find a solution.



Some of the process documentation supplied was last reviewed in 2017, and the new supplier form was not found to contain up to date guidance. We were advised documentation will be reviewed.



Sample testing found a discrepancy with one suppliers sort code, this was confirmed with the supplier over the phone. Going forward, all supplier payment details will be confirmed by the supplier in writing.



Invoice approval limits are automated and managed via Business World On! and there are 6 assigned approver levels across all clients. Payment files are independently reviewed and authorised, and since Covid-19 these are signed off electronically via email. Sample testing found all new suppliers had a new supplier form and an accompanying checklist completed to support details had been checked and approved by another Officer for accuracy and potential duplicates. The service KPI of at least 95% of all invoices being paid within 30 days of receipt is monitored quarterly, and anything under 95% is investigated by the AP Team Leader. These figures are reported quarterly to the Publica Board.

Audit Scope

A review of Accounts Payable undertaken in April 2021 covered the following:

- payment approval process
- exception reporting
- the creation, amendment and management of creditor master file data.

Discussions were held with the Publica Accounts Payable Team Leader, and processes were discussed.

The Accounts Payable Continuous Assurance reports were also analysed, and each Council's performance and trends were assessed.

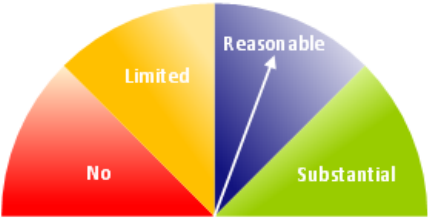
Other Relevant Information

Continuous assurance work to identify duplicates is undertaken and reported to each Council on a quarterly basis. Information in these reports was further analysed and found the number and total value of payments made has seen decreases at each council compared to the previous financial year. The average number of days to pay suppliers has seen an increase at each council compared to the previous financial year. PO usage averages did not vary by more than 10% at each Council. These findings can be attributed to changes resulting from the COVID-19 pandemic and AP Officers being heavily involved in processing Covid-19 grant payments.

Human Resources (Learning and Development) – Final Report – June 2021






Audit Objective

To provide assurance that the electronic learning system in place is effective and meets the needs of staff in line with training and development objectives of the organisation.

Assurance Opinion		Number of Agreed Actions		Risks Reviewed	Assessment
	<p>There is a generally sound system of governance, risk management and control in place. Some issues, non-compliance or scope for improvement were identified which may put at risk the achievement of objectives in the area audited.</p>	Priority	Number	<p>If the e-learning system in place is not effective, staff training needs will not be met which could lead to compliance risk and staff dissatisfaction</p>	<p>Medium</p>
		Priority 1	0		
		Priority 2	2		
		Priority 3	3		
		Total	5		

Key Findings

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	Access to mandatory training via iHasco is not automatically granted to or required of external partnership workers (e.g. Internal and External Audit) or temporary agency staff working for or on behalf of Publica/the Councils. Members also do not currently have access to mandatory training via iHasco.
	The Publica Learning and Development Guidance and associated forms (Training Brief form and Learning Contract) have not yet been submitted for review and approval by Employee Trade Unions.
	There is no Learning Management System in place. The adaptability of the Learning & Development team is, however, demonstrated in the delivery of training using several methods including iHasco, which is an online provision for mandatory and compliance training certified by the Institute of Occupational Safety and Health (IOSH), and Google Classroom for bespoke internal training.
	There is no centralised record held of staff training and learning, and no clear process in place for ongoing monitoring and of training completion by management. There is no evidence of regular reporting to key officers (e.g. Health and Safety Business Partners) and Senior Management on training completion rates.
	Individual staff training needs are identified by managers using one-to-ones. iHasco allows for limited course feedback. Collating and analysing this information to identify trends could enhance training needs identification to benefit the wider staff, but the limitations of the current systems and current resourcing do not allow the Learning and Development Team to do so.

Audit Scope

This audit included a review of the following:

- Key documents supporting the delivery of training by the Learning & Development Team, including the Publica People Strategy and the Learning and Development Guidance
- iHasco and Google Classroom – the systems used to deliver or facilitate staff training, including training records, management information and functionality
- Course completion data
- One-to-ones and training feedback, and how these are used to inform training and ensure the training needs of staff are met
- Mandatory training
- Management information and reporting

Observations

The Talent Development Business Partner covers some responsibilities of a Business Manager role in addition to his current role. The Talent Development Business Partner is now directly line managed by the Head of HR.

Authority's Response to Covid-19 – Final Report – June 2021

Audit Objective

To provide assurance that the response to COVID-19 was robust and responsive to the needs of staff, customers and in line with national Government guidelines.

Assurance Opinion



A sound system of governance, risk management and control exist, with internal controls operating effectively and being consistently applied to support the achievement of objectives in the area audited.

Risks Reviewed

If the response to the COVID-19 pandemic was ineffective and lacked proper coordination, this may have resulted in a risk of service failure and reputational damage.

Assessment

Low

Key Findings

Observations

Substantial	ICT	0
Reasonable	Health & Safety of Staff	1
Substantial	Key Service Delivery	0
Substantial	Staff Wellbeing Arrangements	0
Substantial	Community Response	0
Substantial	Emergency Response & Liaison with Appropriate Agencies	0
Substantial	Emergency Decision-Making Arrangements	1

Audit Scope

Our overarching review to address the above objective has covered the following areas:

- ICT – equipment, Data Protection considerations and arrangements to allow staff to work from home.
- H&S of staff – arrangements allowing staff to safely WFH.
- Key service delivery – arrangements in place to ensure customer access to previous face-to-face services
- Staff wellbeing arrangements.
- Community response.
- Emergency response and liaison with appropriate agencies.
- Emergency decision-making arrangements.

Background

At the beginning of the pandemic, the Publica Managing Director asked a Group Manager to take locality lead for West Oxfordshire District Council. The locality lead had oversight and aided coordination of the Council's response to COVID-19, as well as having a strategic role in the wider County response to the pandemic. Local Management Teams (LMTs) were set up at each of the Councils and met regularly and collaboratively to maximise efficiency in the response, and to allow decision making at the pace required to react to the pandemic. Recovery Groups were also established and included Members to ensure that representation from all required parties when making decisions. The Chief Executive Officer at the Council exercised the right to use emergency powers, and decisions made were retrospectively reported to the relevant Committee, Cabinet or Council as appropriate.

The initial key priority for the Council was to ensure the safety and wellbeing of vulnerable residents within the district. Community Resilience Hubs were established, and the Council worked successfully with local charities and volunteer agencies to ensure that food parcels and prescription medication were delivered to those who were shielding and were unable to leave the house. Staff wellbeing was also a key consideration with a quick and effective move to home working for the majority of staff facilitated by all 3 Councils and Publica. Supporting local businesses was also a priority. The Council worked hard to distribute the many versions of COVID-19 business grants throughout the period, as well as supporting the reopening of the high street and providing business packs and guidance to businesses throughout the district.

ICT

Due to the previous rollouts of laptop computers to enable agile working and aid business continuity, the majority of Publica and Council staff were already equipped to be able to work away from the office for extended periods of time. Software solutions to enable communication over data and voice streams were already mainly in place. There was no added pressure to enable the mobilisation of an existing static workforce, however, challenges were encountered with unprecedented demand on remote working technical capacity. The ICT department responded quickly to increase capacity enabling stable remote connectivity for all staff across multiple clients to aid a continuity of service. Where necessary, approval was given to staff to obtain equipment such as keyboards, mice and monitors from the office to ensure they had the required equipment to be able to work adequately from home. We were advised that an inventory of equipment taken was recorded by line managers. The ICT service extended their standard hours of IT support from 7am through to 7pm as a reflection of the increased amount of flexible working including non-standard working hours for many employees as an impact of the pandemic.

All staff were required to complete Data Protection and IT Security training through Bob's Business in September 2019. No cyber-security awareness training was mandated for all staff to re-enforce good cyber-security practices whilst working remotely throughout 2020, although messaging was placed on the internal intranet as a reminder to staff of the cyber threats faced. GDPR training was rolled out in March 2021 to all staff, using iHasco. Cyber Security training was also scheduled for March 2021 but has not yet been rolled out. As part of the 2021 Anti-Malware audit, we suggested consideration was given to bring forward full cyber-security user awareness training which is currently planned for Q4, 2022.

Overall, considering the pressures of the unprecedented situation caused by the pandemic, Publica staff working on behalf of the Council were fully supported by the response of the Publica ICT service. This enabled them to both continue existing services, and to handle many new issues as they arose.

Health & Safety of Staff

During the pandemic, Publica Senior Management charged Business Managers with the responsibility of determining how frequently they contacted their staff members to check on their wellbeing. Publica guidance was provided on lone working and personal safety and home working. Meetings with Service Managers found differences between service areas on how much contact was had between staff members and their line managers, but in all cases this was at least weekly. These arrangements are adequate to check on staff wellbeing but could be enhanced to ensure staff safety whilst working remotely from home.

Between March 2020 and Feb 2021, managers were required to record staff related data daily including numbers working from home and from the office. From February this was moved to weekly recording. The Health & Safety Executive (HSE) states that there are greater risks for lone workers (including home workers) with no direct supervision or anyone to help them if things go wrong. To help mitigate against the risk of lone working, consideration should be given to implementing a system to ensure all staff are safe and present each day.

Display Screen Equipment (DSE) health and safety home workplace assessments were emailed to all staff to complete. All Service Managers contacted confirmed staff members had access to the office equipment they needed. There were discrepancies between the service areas we contacted and whether service risk assessments had been updated in response to the pandemic. A recommendation has been made in our Lone Workers Audit which should address this and ensure a consistent approach to the completion of risk assessments.

In the short-term staff are still working from home where possible, but for those who need to be in the office it is a socially distanced working environment. Staff members have also been encouraged to take part in the twice weekly Lateral Flow Tests, and self-testing kits are available from the receptions at Coleford and Cirencester. An Agile Working Group has been established to plan and implement the Agile Working Strategy and necessary arrangements to ensure safe return to the offices for staff.

Observation

As staff continue to work from home, treating them as lone workers could help to ensure they are safe and present at work each day. This will lessen the likelihood that absences due to illness or accidents go unnoticed and ensure compliance with employer health and safety requirements.

Key Service Delivery

Customer access to key services including Customer Services, Revenues & Benefits and Housing & Homelessness Services has been maintained successfully throughout the pandemic. The major change to access to these services came when the public reception areas of the Council offices were closed in March 2020, in line with Government advice and to prioritise the safety of customers and staff. Customers were encouraged to access these services by telephone or email, or to 'self-serve' using information and reporting functions on the Council's website. Face-to-face appointments were made available in emergency or urgent cases, but we were advised that few were taken up at the Council.

The Group Manager - Resident Services advised that the demand for the above services heavily increased, especially at the beginning of the pandemic. Incoming calls to Customer Services were heightened, and Revenues & Benefits saw a higher number of claims being made as people were adversely financially affected by the pandemic through job loss, reduced working hours etc. In March 2020, the Minister for Local Government and Housing requested that local authorities urgently accommodate all rough sleepers, adding demand to the Homelessness Service.

It should be noted that the Revenues team were also required to process and pay out all COVID-19 business grants that were required of central Government within strict timeframes, in order to support local businesses. The implementation of the Civica system to replace Northgate at CDC and WODC was also led by the Revenues team, going live in Dec 2020/Jan 2021.

We were also advised that 96 of the 360 staff within Resident Services working across the 3 councils, were redeployed to community response work at the beginning of the pandemic, providing crucial support to each of the Councils' wider response. Resourcing was highlighted as one of the main challenges of the pandemic for Resident Services, trying to find a balance between supporting the wider pandemic response and resourcing services adequately as demand increased.

Staff Wellbeing Arrangements

Publica fund several resources in relation to health and wellbeing that were available to all staff during the pandemic, including an Employee Assistance Programme (EAP) and Medicash. Using these, staff could access 24/7 helplines for counselling and stress management, courses and programmes to help with health and wellbeing, and complementary treatments (e.g., massages) could be claimed back via Medicash.

Additionally, throughout the pandemic a significant number of posts were made on the Publica Portal newsfeed to signpost staff to relevant resources and support from external sources. Relevant material was posted in a timely manner in relation to the pandemic itself along with both internal and Government guidance. Training courses were also made available to all staff via iHasco, including Mental Health Awareness and Stress Awareness.

At the time of audit work (March/April 2021), five Staff Wellbeing Surveys had been carried out. Each survey had a set of standard questions so that trends could be analysed, and then tailored questions based on the situations within the organisation/wider world at the time (e.g., working equipment, support, communications). The survey had a good completion rate considering the size of the organisation, with around 300 respondents each time. HR Business Partners contacted all staff that raised concerns or indicated that they may need further support via the survey, signposting to relevant resources or making suitable arrangements for everyone.

Community Response

A review of Council's newsfeeds and discussions with Managers involved has provided us with a good understanding of action taken to support the community in response to the pandemic. Many Publica employees were redeployed to support the pandemic response, with tasks including direct support of welfare checks on thousands of Clinically Extremely Vulnerable (CEV) residents across the districts.

In addition to COVID-19 business grant payments, the Council has also sought to support local businesses with additional Council led initiatives. Good examples of this include producing checklists for local business on how to work safely and maintain social distancing, waiving outside seating application fees and by distributing coronavirus stickers and posters to be used by business reopening.

The Council collaborated with the Health and Safety Executive (HSE) to provide advice and proactive guidance to local businesses to support them in meeting their Covid secure responsibilities. They are also working with local health authorities to support the understanding of any patterns in confirmed coronavirus cases.

Grants to support local Voluntary and Community Sector (VCS) groups working with food and essential supply services were made available and promoted. Community teams have been directly involved in supporting and connecting VCS groups with vulnerable residents.

A vital achievement for the Council was the ability to react to the pandemic by working collaboratively with Publica, partner organisations and VCS groups to identify and respond to the needs of the community. It is recognised that the relationships built will have a lasting future benefit for the Council.

Emergency Response & Liaison with Appropriate Agencies

Once a major incident had been declared, the Thames Valley LRF's (Local Resilience Forums) co-ordinated a multi-agency approach to the Coronavirus emergency. Regular meetings of the LRF's were held and these were attended by officers on behalf of the authority.

Subgroups were formed internally to deal with Covid-19 related issues to ensure tasks were undertaken, such as providing wellness calls and ensuring medicine was delivered to vulnerable people. We were advised a resourcing subgroup worked to determine who was available or best placed to help with a situation.

Local Authorities have a duty to plan for and respond to civil emergencies. Coronavirus has been an emergency unrivalled in recent times due to its wide reaching and unchartered nature. From the information provided we can assess the response has been proportionate but we were advised positives and areas to be improved can be taken from the experience, and the Corporate Recovery Plan will be reviewed in light of lessons learnt from the pandemic.

Emergency Decision-Making Arrangements

Frequent changes in legislation during the initial stages of the pandemic led to the temporary suspension of face-to-face Council meetings and a subsequent break in the democratic decision-making process. As such, urgent decisions were required by authorised officers in response to the changing situation.

During the virtual WODC Council meeting on 13 May 2020 it was noted that the urgent situation caused by the pandemic highlighted the fact that there are insufficient emergency/urgency powers available to take decisions where it is not possible to obtain the approval of the Council, Cabinet or a Committee. It was therefore recommended that Council authorised the Chief Executive, in consultation with the Chief Finance Officer and/or the Monitoring Officer as appropriate, to take any necessary decision in cases of emergency and in relation to any function of the Cabinet or Committee where the matter is urgent and cannot reasonably await the next meeting. This is subject also to consultation with the Leader, or in their absence the Deputy Leader of the Council. We found that decisions taken were in line with authority and legislation, were fully documented and subsequently presented to Council in subsequent meetings from October 2020 through April 2021.

Observation

We note that the urgent responses to the pandemic highlighted the need for the WODC Chief Executive to be afforded emergency powers and this was agreed during the meeting on 13 May 2020. The report also noted that the need for emergency powers could also apply to situations other than this pandemic. The granting of emergency powers was not given a specific timeframe, and no mention was made of a permanent change to the Council's Constitution. Therefore, consideration should be given to whether a formal update to the Constitution should be an appropriate course of action and subsequently updated on the Council's website.

High Priority Findings and Agreed Actions

APPENDIX D

Audit Name	Priority	Finding	Agreed Action	Due Date	Update September 2021
Systems Admin 45115	2	Previous Recommendations not implemented		Jan 2022	
Systems Admin 45236	2	Some controls not as robust as expected		Jan 2022	
Accounts Payable 45450	2	Amendments to supplier accounts cannot be monitored.	We will contact Publica Business World On System Support & Maintenance to investigate how we can monitor amendments made to supplier accounts, and we will monitor account amendments weekly.	Sept 2021	
Human Resources 45249	2	Third parties and/or temporary staff working for or on behalf of the Council are not required to carry out mandatory training modules	Consideration will be given to providing access to individuals with access to the Publica/Council network and/or working on Publica/Council premises with access to mandatory training via the current e-learning systems in place, including temporary agency staff, external partnership workers and Members.	Mar 2022	
Human Resources 45287	2	The Publica Learning and Development Guidance and associated forms (Training Brief form and Learning Contract) have not been fully approved by relevant Employee Trade Unions.	The Publica Learning and Development Guidance and associated forms will be submitted for review and approval by Employee Trade Unions, and upon approval will be submitted for formal adoption by Publica.	Sept 2021	

High Priority Findings and Agreed Actions

APPENDIX D

Audit Name	Priority	Finding	Agreed Action	Due Date	Update September 2021
Council Tax and NNDR 44610	2	The Revenues Technical Lead reviews suppressed accounts but is also able to add suppressions to accounts. To ensure there is separation of duties and mitigate against accounts being suppressed and not checked, the Revenues Technical Lead should have his suppression permissions removed.	To ensure there is separation of duties, the Revenues Technical Lead should have his suppression permissions removed.	Mar 2021	Revenues Manager to monitor the Revenue Technical Lead's suppression activities. Further follow- up will be undertaken during the 2021/22 annual audit.
Housing Benefits and Council Tax Support 44592	2	At the time of audit work the Business Partner Accountant advised that due to the increased workload brought about by Covid-19, reconciliation of Housing Benefit has not been undertaken so far during this financial year.	It was confirmed that it will be undertaken as soon as workloads allow.	Jan 2021	Ledger reports have been issued to the service and have been reconciled to Northgate and Open Revenues. Further follow- up will be undertaken during the 2021/22 annual audit.
ICT Incident Management 44560	2	As part of the Information Security framework of policies, the Incident Management Policy is out of date and requires review, update, and approval. Update of the policies has been impacted by the Covid-19 pandemic, and the need for a review is recognised by the ICT Audit & Compliance Manager.	ICT Audit and Compliance Manager will review and update all ICT Security Policies following the completion of the Cyber Security audit report. The aim to have drafted policies by April 2021 for circulation to all network users.	Apr 2021	The refresh and update of all ICT Policies is in progress, however the new target date for completion and issue of draft Policies for review/input, is 30 September 2021.
ICT Incident Management 44562	2	There is a lack of detailed standard operating procedural documentation. Incident management investigation is currently based on a high-level process flow-chart denoted in the Incident Management policy; however, this lacks detailed information on how to conduct an incident investigation.	We have now commenced with documenting our cyber incident and investigation managements procedures	Jan 2022	Ongoing The ICT Audit and Compliance Manager is working with the Security Engineer on an incident playbook that define the procedures and steps to be taken during an incident investigation. On target for completion by January 2022.

High Priority Findings and Agreed Actions

APPENDIX D

Audit Name	Priority	Finding	Agreed Action	Due Date	Update September 2021
Payroll 43699	2	We recommend that all new starters are subject to a BPSS (or similar) check regardless of the role to which they are being recruited. This will ensure that consistent checks of right to work, employment history and basic criminal record checks are carried out on all employees.	A piece of work has been carried out to re-write the pre-employment check process. The HR and Recruitment Teams are also working towards the implementation of an Application Tracking System (ATS), subject to approval at Publica and the Councils, which would help to mitigate the risks identified. The ATS would not allow for progression in the recruitment and onboarding process without specific criteria being fulfilled first (e.g. obtaining references, ID checks etc).	Sep 2020	<p>We were advised that the current HR Pre-employment screening procedures are based on 'types of job' and 'appointments' whereby risk assessments are conducted to set the screening requirements for different types of jobs. They also ensure BPSS checks are performed on all employees who have access to sensitive information.</p> <p>The Applicant Tracking System was recently introduced.</p> <p>Agreed action completed.</p>
Health and Safety – Fire Risk Assessments 43147	2	We recommend that officers should ensure all remedial actions identified in fire risk assessments are completed using a risk-based approach.	These remedial action requirements are in progress and will be completed in accordance with the noted time scale.	Sep 2020	<p>The agreed action has been followed up and some remedial actions have been completed.</p> <p>A full audit of Fire Risk Assessments is in progress and will include further follow-up of this recommendation.</p> <p>Recommendation closed.</p>
Procurement and Contract Management 41049	2	We recommend that assurance is sought from Publica that contracts held and managed on behalf of the Council are monitored and managed effectively.	Publica colleagues have been requested to respond to the recommendations made in the report issued. Assurance has been requested that contract management and monitoring is undertaken.	Sep 2020	<p>Publica have included 'Get commissioning right' as one of the four priorities in their 2020-22 Business Plan, including Procurement in the supporting Action Plan (Strategic Action 8). Good progress has so far been made towards outstanding recommendations from both the Procurement and the Procurement and Contract Management audits.</p> <p>An audit on Contract Management and Monitoring is in progress, this recommendation will be reviewed as part of the new audit.</p> <p>Recommendation closed.</p>

High Priority Findings and Agreed Actions

APPENDIX D

Audit Name	Priority	Finding	Agreed Action	Due Date	Update September 2021
Accounts Receivable 43752	2	Duplicate subscriptions should be reviewed, and appropriate corrections made. Any duplicate payments should be returned to the debtor.	All subscriptions will be corrected where applicable. Will discuss with team to ensure that prior to setting up new subscriptions a search for existing subscriptions is performed. If any queries arise the AR officer will refer to the service area for clarification. Responsible Officer – AR Team Leader	Aug 2020	Finding has been actioned. Agreed action completed.
Systems Admin 41204	2	We recommend a principal Identity and Access Management process detailing requirements for 'Joiners, Movers and Leavers' is developed and documented and that complies with the requirements set out in the Information Security and Access Control Policy. The overarching process should apply to and embrace all systems that may not be included within the standard ICT team scope and should be available for all employees to view and follow. System administrators should then document or update local processes and procedures that should be in alignment with the overarching policy and process requirements. and documented on a quarterly basis as per the requirements of the Risk Management Policy	Our team ICT Administrators are now updating and documenting our Access Management system process for joiners, Movers and Leavers. A change control process will be introduced that will document significant changes to the ICT infrastructure which will also align to our ICT User Policies and guidance.	Mar 2020	Flowcharts have been produced for the starters / leavers / variation processes. The ICT Audit and Compliance Manager will refresh the ICT Policies following the completion of the Cyber Security audit report. He is aiming to have drafted policies by March 2020 for circulation / consultation at CGG and JMT. Further follow-up has been included in the 2020/21 audit plan Revised implementation date to 31/12/20 due to Covid-19. Annual audit is in progress. The original recommendation related to an Identity & Access Management Process, which is in place. Recommendation closed.

High Priority Findings and Agreed Actions

APPENDIX D

Audit Name	Priority	Finding	Agreed Action	Due Date	Update September 2021
Members and Officers Declaration of Interest 40715	2	We recommend that the Counter Fraud Unit reviews the officers' declarations of interests, gifts and hospitality process as part of their planned work in 2019/20.	The Counter Fraud Unit will include a review of the officers' declarations of interest, gifts and hospitality process as part of work planned for 2019/20.	Mar 2020	<p>A new form was published on the portal on 14th April 2021, for Publica, and Retained Staff, to complete.</p> <p>The form features questions which will identify any business and personal interests that could conflict with the interests of Publica or its partner councils.</p> <p>The form also includes a statement / question in respect of gifts and hospitality (with reference being made to the policy)</p> <p>Recommendation Closed</p>
Council Tax and NNDR 40894	2	Periodic review (quarterly) of accounts in credit should be undertaken and action taken to return monies that are not due to the Council. These actions must be documented on customer accounts to provide an audit trail. Where monies are unable to be refunded, appropriate accounting actions must be undertaken to remove the credit value from the CT / NNDR system.	Putting into place a periodic report of credit accounts to be followed up by Revenues Officers	Mar 2020	<p>Following the conversion of the Revenues system from Northgate to Civica, the team have been dealing with a backlog, which has taken precedence over dealing with refunds of credits on closed accounts.</p> <p>We have recently received more resource within the team by having two Council Tax Specialists fall under our remit rather than Customer Services and will therefore task them with this job on a more regular basis going forwards.</p> <p>Further follow- up will be undertaken during the 2021/22 annual audit.</p>

High Priority Findings and Agreed Actions

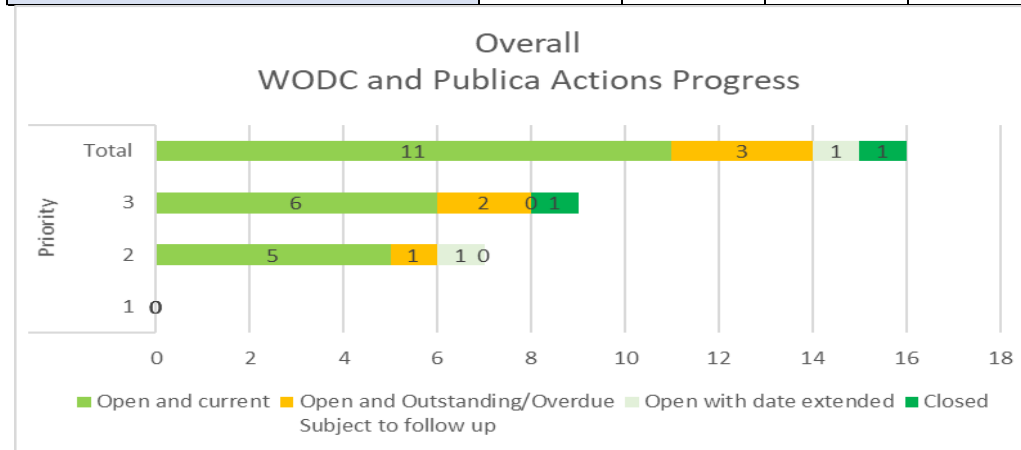
APPENDIX D


Audit Name	Priority	Finding	Agreed Action	Due Date	Update September 2021
Procurement 41323	2	To ensure all transactions are raised and approved appropriately and in line with the current organisational structure, all requisitioning and approval permissions should be reviewed in BWO.	Following the recent organisation changes, the approvals permissions will be reviewed to ensure they are aligned with new roles and implemented accordingly on the ABW system.	Dec 2019	<p>We were advised:</p> <ul style="list-style-type: none"> • A review of ABW requisitioner and approver roles is currently in progress. • Together with the finance team, the ABW support team aim to review all clients over the coming months. • Work on FoDDC approvers is still underway. <p>We have followed up this finding and are waiting for a response from the Group Manager.</p> <p>An audit in respect of system access is planned for 2021/22. This recommendation will be followed up in the new audit.</p>
Procurement 41029	2	Budget Holders should regularly undertake monitoring of expected contract spend to actual contract spend as part of contract monitoring, to ensure contracts are managed in accordance with strategy, and inform Procurement of any changes to contract values to ensure the values recorded on the Contract Register are correct.	Agreed	Dec 2019	<p>No evidence has been provided of actions carried out by responsible officers to support implementation of this recommendation at the time of follow-up.</p> <p>As part of the 2020/21 Audit Plan, an audit of the Management and Monitoring Contracts will be carried out. The scope of this audit will include budget monitoring arrangements in relation to contract spend and will therefore inform the follow-up of this recommendation.</p> <p>Revised implementation date to 31/12/20 due to Covid-19. We have followed up this finding and are waiting for a response from the Group Manager.</p> <p>An audit on Contract Management and Monitoring is in progress, this recommendation will be reviewed as part of the new audit.</p> <p>Recommendation Closed</p>

Summary of all Agreed Actions from April 2020 and Progress against them

WODC ONLY	Priority			
	1	2	3	Total
TOTAL in Audit Period (From 4/20)	0	2	1	3
Open and current	0	0	0	0
Open and Outstanding/Overdue Subject to follow up	0	1	1	2
Open with date extended	0	1	0	1
Closed	0	0	0	0

PUB ONLY	Priority			
	1	2	3	Total
TOTAL in Audit Period (From 4/20)	0	5	8	13
Open and current	0	5	6	11
Open and Outstanding/Overdue Subject to follow up	0	0	1	1
Open with date extended	0	0	0	0
Closed	0	0	1	1



 WEST OXFORDSHIRE DISTRICT COUNCIL	WEST OXFORDSHIRE DISTRICT COUNCIL
Name and date of Committee	Audit and General Purposes Committee: Thursday 23 September 2021
Report Number	Agenda Item No. 7
Subject	Counter Fraud Unit Report
Wards affected	All indirectly
Accountable member	Councillor Suzi Coul, Cabinet Member for Finance Email: Suzi.Coul@westoxon.gov.uk
Accountable officer	Emma Cathcart, Counter Fraud Unit Manager Email: Emma.Cathcart@cotswold.gov.uk
Summary/Purpose	<p>To provide the Committee with assurance over the counter fraud activities of the Council. Direct updates will continue to be provided biannually.</p> <p>Work plans are presented to the Committee detailing progress and results for consideration and comment as the body charged with governance in this area.</p>
Annexes	Annex A – Work Plan 2021/2022
Recommendation	That the Committee notes the report and work plan at Annex A.
Corporate priorities	<p>In administering its responsibilities the Council has a duty to prevent fraud and corruption, whether it is attempted by someone outside or within the Council such as another organisation, a resident, an employee or a Councillor.</p> <p>The Council is committed to an effective counter fraud and corruption culture, by promoting high ethical standards and encouraging the prevention and detection of fraudulent activities, thus supporting corporate priorities and community plans.</p>
Key Decision	No
Exempt	No
Consultees/ Consultation	<p>Work plans are agreed and reviewed regularly with the Deputy Chief Executive.</p> <p>Any Policies drafted or revised by the CFU have been reviewed by Legal Services and have been issued to the Governance Group and Corporate Management for comment.</p>

1. BACKGROUND

- 1.1. The Audit and General Purposes Committee oversees the Council's counter fraud arrangements and it is therefore appropriate for the Committee to be updated in relation to counter fraud activity.
- 1.2. Work plans have been agreed with the Deputy Chief Executive and the Council's Management. The Audit and General Purposes Committee, as the body charged with governance in this area, is presented with a copy of the work plan for information.
- 1.3. Attached at Annex A is a copy of the work plan for 2021/2022.

2. MAIN POINTS

2.1. Counter Fraud Unit Update.

- 2.2. The Counter Fraud Unit (CFU) has been supporting work streams created as a consequence of the Covid-19 pandemic by providing advice relating to fraud risk and abuse, most significantly in relation to the Business Grant Schemes. The CFU has assisted with the application and verification processes of all schemes and, to date, the team has received 274 cases to review. A number of these cases were confirmed as eligible and the grant awarded but the following relates to cases of fraud, error or ineligibility:

- 37 cases of loss prevention, in that the grant monies were not paid (13 classed as fraudulent attempts). Figures relating to this preventative activity total £50,000.
- 28 cases of post payment recovery totalling £280,366. Invoices have been raised and £138,574 has been recovered to date. Examples of these cases relate to payments made to businesses that were not trading at the appropriate date, where premises were in fact empty or where duplicate payments / incorrect awards have been made.
- 13 cases are still under review or have been referred back to the team with recommendations for service area decisions.
- 2 cases have been opened as active fraud investigations.

- 2.3. All Local Authorities participate in the Cabinet Office's National Fraud Initiative, which is a data matching exercise to help prevent and detect fraud nationwide. The use of data by the Cabinet Office in a data matching exercise is carried out with statutory authority under Part 6 of the Local Audit and Accountability Act 2014. It does not require the consent of the individuals concerned under Data Protection Legislation. Matches have been received via the Cabinet Office's National Fraud Initiative which has collated and compared business grant data nationwide in relation to the original schemes paid during the first lockdown. Work to review these matches is underway.

- 2.4. A review of the Track and Trace Payments is underway and as a result a grant of £500 has been recovered.

- 2.5. In addition to the work carried under the annual work plan attached at Annex A, as a dedicated investigatory support service, the CFU undertakes a wide range of enforcement and investigation work according to the requirements of each Council. This includes criminal investigation and prosecution support for enforcement teams, investigations into staff/member fraud and corruption, or tenancy and housing fraud investigation work.

- 2.6. Since 1 April 2021:

- The team has received 18 referrals from across the Council and closed 13 cases. This excludes any Council Tax Reduction Scheme referrals.
- The team supports Enforcement Teams across the Council. A Fixed Penalty Notice, totalling £200, has been issued in relation to environmental crime.

- The CFU undertakes Member Code of Conduct Investigations and found that there had been a breach relating to a Town Council matter.
- The CFU is now overseeing the investigation of alleged fraud and abuse in relation to the Council Tax Reduction Scheme (Council Tax Support) and act as the single point of contact for Department for Work and Pensions (DWP) Housing Benefit investigations. 16 referrals were received and 9 cases were closed. Increased Council Tax revenue of £3,248 has been raised.
- The team undertakes disciplinary investigations for Publica across the partnership. 2 cases have been referred.

3. FINANCIAL IMPLICATIONS

- 3.1. The report details financial savings generated by the Counter Fraud Unit.

4. LEGAL IMPLICATIONS

- 4.1. In general terms, the existence and application of an effective fraud risk management regime assists the Council in effective financial governance which is less susceptible to legal challenge.

5. RISK ASSESSMENT

- 5.1. The Council is required proactively to tackle fraudulent activity in relation to the abuse of public funds. The Counter Fraud Unit provides assurance in this area.
- 5.2. Failure to undertake such activity would accordingly not be compliant and expose the Authority to greater risk of fraud and/or corruption.
- 5.3. If the Council does not have effective counter fraud and corruption controls it risks both assets and reputation.

6. EQUALITIES IMPACT

- 6.1. The promotion of effective counter fraud controls and a zero tolerance approach to internal misconduct promotes a positive work environment.

7. ALTERNATIVE OPTIONS

- 7.1. This Unit is working with all Gloucestershire Local Authorities, West Oxfordshire District Council and other public sector bodies such as housing associations.
- 7.2. The Service is a shared one across the County and, as such, overheads and management costs are also shared equally meaning there is increased value for money.

8. BACKGROUND PAPERS

- 8.1. None.

Annex A: West Oxfordshire District Council Work Plan 2020/2021

Department / Contact	Task
Governance	Delivery of two reports for Audit & General Purposes Committee
Governance	Fighting Fraud & Corruption Locally - Checklist Compliance
Governance	Government Functional Standard 013: Counter Fraud - Compliance
Policy	Counter Fraud and Anti-Corruption Policy
Policy	Corporate Enforcement Policy
Policy	Council Tax, Council Tax Reduction Scheme & Housing Benefit Penalty and Prosecution Policy
Policy	Proceeds of Crime & Anti-Money Laundering Policy
Policy	Whistle-Blowing Policy
Policy	Regulation of Investigatory Powers Act 2000 (Surveillance & Covert Human Intelligence Sources)
Policy	Investigatory Powers Act 2016 (Acquisition of Communications Data)
Policy	Use of the Internet and Social Media in Investigations and Enforcement
Bribery and Corruption	Assessment Template Review
Bribery and Corruption	Policy and Procedure: Staff Declarations of Interest / Conflicts of Interest
Bribery and Corruption	Review of the Gifts and Hospitality Policy and Procedure
Serious and Organised Crime	Checklist Review
Serious and Organised Crime	Proactive Fraud Drive - transient / cash businesses
Statutory / Regulatory	Collation and Publication of Fraud Transparency Data
Statutory / Regulatory	RIPA / IPA - Annual Report to Members / Advisory / Inspection Single Point of Contact
Strategy : Detection	Housing Waiting List review
Strategy : Detection	National Fraud Initiative Match Reviews - Revenues / Benefits / Housing

Department / Contact	Task
Strategy : Detection	Holiday / Airbnb Review
Strategy : Detection	SMI Review (sample 20)
Strategy : Detection	Procurement - Supplier Payment Review
Strategy : Detection	Charity Shop Exemption Review
Strategy : Detection	Track and Trace - Assurance and Enforcement Activities
Strategy : Detection	Business Grants - Assurance and Enforcement Activities
Strategy : Prevention	Development / Review of Fraud Response Plan
Strategy : Prevention	Development of Fraud Awareness Literature (staff)
Strategy : Prevention	Development of Right to Buy Debt Recovery Process
Strategy : Prevention	Development of Service Specific Fraud Risk Register
Strategy : Prevention	Training Members / Staff - Fraud Awareness / RIPA & IPA / CPIA, PACE, Disclosure Training
Strategy : Prevention	Review of HR Recruitment and Vetting Policy and Procedures


RIPA = Regulation of Investigatory Powers Act 2000

IPA = Investigatory Powers Act 2016

CPIA = Criminal Procedure and Investigations Act 1996

PACE = Police and Criminal Evidence Act 1984

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 WEST OXFORDSHIRE DISTRICT COUNCIL	WEST OXFORDSHIRE DISTRICT COUNCIL
Name and date of Committee	Audit and General Purposes Committee: Thursday 23 September 2021
Report Number	Agenda Item No. 8
Subject	Use of the Internet and Social Media in Investigations and Enforcement Policy
Wards affected	All indirectly
Accountable member	Councillor Michele Mead, Leader of the Council Email: Michele.Mead@westoxon.gov.uk
Accountable officer	Emma Cathcart, Counter Fraud Unit Manager Email: Emma.Cathcart@cotswold.gov.uk
Summary/Purpose	To present the Audit and General Purposes Committee with a new Use of the Internet and Social Media in Investigations and Enforcement Policy for comment.
Annexes	Annex A – Use of the Internet and Social Media in Investigations and Enforcement Policy
Recommendation	That the Committee considers the Use of the Internet and Social Media in Investigations and Enforcement Policy to comment thereon to Cabinet, to aid its deliberations and decision making.
Corporate priorities	In administering its responsibilities the Council has a duty to enforce the law and prevent wrongdoing, whether it is attempted by someone outside or within the Council such as another organisation, a resident, an employee or a Councillor, thus supporting corporate priorities and community plans.
Key Decision	No
Exempt	No
Consultees/ Consultation	Any Policies drafted or revised by the Counter Fraud Unit have been reviewed by Legal Services and have been issued to the Governance Group and Corporate Management for comment.

1. BACKGROUND

- 1.1. The Counter Fraud Unit was tasked with reviewing and developing the Council's Policy and procedures on accessing the internet and social media for investigations and enforcement purposes.

2. MAIN POINTS

- 2.1. The Council's Policies are based on the legislative requirements of the Regulation of Investigatory Powers Act 2000 (RIPA) and the Investigatory Powers Act 2016 (IPA) and the Codes of Practice relating to directed surveillance and the acquisition of communications data.
- 2.2. Whilst there has been a general decline in the use of covert surveillance activity, Councils have come under increased scrutiny in this area by Investigatory Powers Commissioner's Office (IPCO) during inspections and there are a number of recommendations in their annual reports, procedures and guidance.
- 2.3. IPCO confirms that, where inspections reveal activity - particularly with regard to intelligence gathering through the use of the internet and social media - evidence should demonstrate that consideration has been given to whether the activity could be considered surveillance and the appropriate authorisation sought.
- 2.4. Existing arrangements have been reviewed and the Policy for ensuring compliance has been developed, attached at Appendix A. The Policy is generic and broad to ensure that the integrity of investigations and methods of detection are not revealed.
- 2.5. The procedure that derives from this Policy is a confidential document available to members of staff involved in investigation work only who are authorised to undertake research and investigation using open source internet applications (as investigative tools) or other civil or criminal enforcement and recovery work.
- 2.6. The Council takes responsibility for ensuring its procedures relating to surveillance and the acquisition of communications data are continuously improved and all activity is recorded.

3. FINANCIAL IMPLICATIONS

- 3.1. The adoption and approval of this Policy will support the Council's objectives in reducing crime and financial loss.

4. LEGAL IMPLICATIONS

- 4.1. The Council is required to ensure that it complies with the Regulation of Investigatory Powers Act 2000, the Investigatory Powers Act 2016 and any other relevant legislation regarding investigations. Any authorisations for directed/covert surveillance or the acquisition of communications data undertaken should be authorised by the appropriate Officer and recorded in the Central Register.
- 4.2. The Council has a statutory obligation for enforcing a wide range of legislation, where it is necessary and proportionate to do so. Human Rights implications are a consideration of this type of activity and this is included within the Policies.

5. RISK ASSESSMENT

- 5.1. The RIPA and IPA Policies demonstrate the Council's consideration of necessity, proportionality and public interest when deciding on surveillance activity or the decision to obtain personal communication data.

6. EQUALITIES IMPACT

- 6.1. The application of the RIPA and IPA Policies and Procedures, to govern surveillance and the obtaining of personal communications data, minimises the risk that an individual's Human Rights will be breached. Furthermore it protects the Council from allegations of the same.

7. ALTERNATIVE OPTIONS

- 7.1. None.

8. BACKGROUND PAPERS

- 8.1. Cabinet Report December 2019 - Regulation of Investigatory Powers Act 2000 Surveillance and Covert Human Intelligence Source Policy / Investigatory Powers Act 2016 Acquisition of Communications Data Policy.

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Use of the Internet and Social Media for Investigations and Enforcement Policy

Version Control	
Document Name:	Use of the Internet and Social Media for Investigations and Enforcement Policy
Version:	1
Responsible Officer:	Emma Cathcart, Counter Fraud Unit
Approved by:	Cabinet / Executive Committee
Date First Approved:	TBC
Next Review Date	
Retention Period:	N/A

Revision History

Revision date	Version	Description

Consultees

Internal	External
Enforcement Lead Officers Governance Group Legal Services Corporate Management Audit / Audit and General Purposes / Audit and Governance / Audit, Compliance and Governance Committee	

Distribution

Name	
Enforcement Officers	

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1. INTRODUCTION

- 1.1 Online open source research is widely regarded as the collection, evaluation and analysis of material from online sources available to the public, whether by payment or otherwise, to use as intelligence and evidence.
- 1.2 The use of online open source Internet and Social Media research is a method of obtaining information to assist the Council with its regulatory and enforcement functions. It can also assist with service delivery issues. However, the use of the Internet and Social Media is constantly evolving and with it the risks, particularly regarding breaches of privacy under Article 8 of the Human Rights Act (HRA) 1998 and other operational risks.
- 1.3 The Council is a Public Authority in law under the HRA, and as such, the staff of the Authority must always work within this legislation. This applies to research on the Internet.
- 1.4 Researching, recording, storing, and using open source information regarding a person or group of people must be both necessary and proportionate and take account of the level of intrusion against any person. The activity may also require authorisation and approval by a Magistrate under the Regulation of Investigatory Powers Act (RIPA) 2000. To ensure that any resultant interference with a person's Article 8 Right (respect for private and family life) is lawful, the material must be retained and processed in accordance with the principles of the General Data Protection Regulation (GDPR) 2016 and Data Protection legislation.

2. SCOPE OF POLICY

- 2.1 This Policy and associated Procedure establishes the Council's approach to ensuring that all online research and investigations are conducted lawfully and ethically to reduce risk. It provides guidance to all staff within the Council, about legislative framework and implications associated with online Internet and Social Media research, when engaged in their official capacity. It will also ensure that the activity undertaken, and any evidence obtained, will withstand scrutiny.
- 2.2 This Policy takes account of the HRA, RIPA, Criminal Procedures and Investigations Act (CPIA) 1996, Data Protection legislation and regulations and National Police Chiefs Council (NPCC) Guidance on Open Source Investigation/Research.
- 2.3 This Policy and associated Procedure will be followed at all times and should be read, where required, with the RIPA Codes of Practice and any other legislation and relevant policies mentioned in this document. Should there be any queries advice can be sought from the RIPA Coordinator within the Counter Fraud Unit.
- 2.4 This Policy should not be exempt from disclosure under the Freedom of Information Act 2000.

3. RISK

- 3.1 Staff must be aware that any activity carried out using the Internet leaves a trace or footprint which can identify the device used, and, in some circumstances, the individual carrying out the activity. This may pose a legal and reputational risk to the Council if they are challenged by the subject of the research for breaching Article 8.1 of the HRA which states “Everyone has the right to respect for his private and family life, his home and his correspondence”.
- 3.2 Article 8.2 states “There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others”. It is therefore important that the Council can demonstrate that such activity was necessary and proportionate.
- 3.3 Monitoring of an individual’s social media or other open source information on a repeated or continuous basis could constitute surveillance by a Public Authority and fall with the realms of RIPA.
- 3.4 Breach of an individual’s rights under the HRA leaves the Council open to claims for financial compensation and the consequential reputational damage.
- 3.5 Failure to implement and follow a policy could risk compromising the integrity of evidence and any associated investigation.

4. NECESSITY / JUSTIFICATION

- 4.1 To justify the intrusion and interference with an individual’s privacy there must be a clear and lawful reason for the activity. Therefore the necessity for the research such as the criminal conduct that it is aimed to prevent or detect must be identified and clearly described. This should be documented with clear objectives. Should the research fall within RIPA activity, the RIPA authorisation will deal with the criteria for it to be lawful intrusion.

5. PROPORTIONALITY

- 5.1 Proportionality involves balancing the level of intrusion of the research on the subject and other innocent third parties who might be affected by it (collateral intrusion) against the need for the activity in operational terms.
- 5.2 The Officer must consider and document the benefit to carrying out the activity and how the benefit will outweigh the intrusion.
- 5.3 The activity will not be proportionate if it is excessive in the circumstances of the case or if the information which is sought could reasonably be obtained by other less intrusive means.
- 5.4 All such activity should be carefully managed to meet the objective in question and must not be arbitrary or unfair.

6. PRIVATE INFORMATION

- 6.1 Private information is defined in the RIPA Codes of Practice and states it “includes any information relating to a person’s private or family life. Private information should be taken generally to include any aspect of a person’s private or personal relationship with others, including family and professional or business relationships.”
- 6.2 Prior to, and during, any research Staff must take into account the privacy issues of any person associated with the research.
- 6.3 There are three broad categories of private information applicable here:
- 6.4 Category 1 - Viewing publically available postings or websites where the person viewing does not have to register a profile, answer a question, or enter any significant correspondence in order to view. For example, a typical trader’s website.
- 6.5 Category 2 - Viewing postings on social networks where the viewer has had to register a profile but otherwise there is no other restriction on access. This would include Facebook where there is no need to be accepted as a “friend” to view. For example a trader has a “shop window” on Facebook advertising a business and products.
- 6.6. Category 3 - Viewing postings on social networks which require a “friend” or similar status to view.


7. REVIEWING THE ACTIVITY

- 7.1 During the course of conducting the Internet open source research, the nature of the online activity may evolve. It is important that Staff continually assess and review their activity to ensure it remains lawful and compliant. Where it evolves into RIPA activity, the RIPA procedure should be followed. If in doubt, Staff should seek advice from the RIPA Coordinator within the Counter Fraud Unit.

8. USE OF MATERIAL

- 8.1 The material obtained from conducting open source Internet and Social Media research may be used as intelligence or evidence.
- 8.2 Any material gathered from the Internet during the course of a criminal investigation must be retained in compliance with the Criminal Procedure and Investigations Act (CPIA) Codes of Practice and all material stored in line with the General Data Protection Regulations (GDPR) data retention policies.

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 WEST OXFORDSHIRE DISTRICT COUNCIL	WEST OXFORDSHIRE DISTRICT COUNCIL
Name and date of Committee	Audit & General Purposes Committee 23 September 2021
Report Number	Agenda Item No. 9
Subject	Committee Work Programme 2021/2022
Wards affected	All
Accountable member	Cllr Alex Postan, Chairman of Audit and General Purposes Committee Email: alex.postan@westoxon.gov.uk
Accountable officer	Amy Bridgewater-Carnall – Democratic Services Manager amy.bridgewater-carnall@westoxon.gov.uk
Summary/Purpose	To provide the Committee with a Work Programme for 2021/2022
Annexes	Annex A – Proposed Work Programme for 2021/2022 Annex B – Extract of Part 3 of the Constitution, Responsibility for Functions
Recommendation	That the Committee approves the work programme subject to any necessary comments.
Corporate priorities	1.1.
Key Decision	1.2. No
Exempt	1.3. No
Consultees/ Consultation	1.4. None

1. BACKGROUND

- 1.1. Prior to this point, the Audit and General Purposes Committee has not had a formal work programme to be guided by.
- 1.2. A draft Work Programme has been created and is attached at Annex A to the report. Please bear in mind that this is subject to change as we have a number of officers providing information.

2. MAIN POINTS

- 2.1. It is hoped that this document will not only help Members see which items are coming forwards but will also assist officers in planning their work time and ensuring they are available to attend meetings when necessary.
- 2.2. In addition to the items contained in the Work Programme, there will still be the opportunity to bring forward one-off reports and papers on particular issues of interest to the Committee.
- 2.3. A copy of an extract of Part 3 of the Constitution, Responsibility for Functions is attached at Annex B, to inform Members of the Audit & General Purposes Committee's remit.

3. FINANCIAL IMPLICATIONS

- 3.1. There are no financial implications arising directly from this report.

4. LEGAL IMPLICATIONS

- 4.1. None

5. RISK ASSESSMENT

- 5.1. Not applicable.

6. CLIMATE CHANGE IMPLICATIONS

- 6.1. Whilst there may be climate change implications arising from specific items within the Work Programme, there are none arising directly from this report.

7. ALTERNATIVES/OPTIONS

- 7.1. In accordance with the Constitution of the Council, Committee has the power to investigate any matters it considers relevant to its work area, and to make recommendations to the Council, the Cabinet or any other Committee or Sub-Committee of the Council as it sees fit.

8. BACKGROUND PAPERS

- 8.1. None.

23 September 2021

	Title	Format	Lead Officer	Next report / Anticipated Completion Date	Comments
1	Internal Audit Progress Report	Written report	SWAP (Lucy Cater) / Elizabeth Griffiths		Quarterly report
2	Counter Fraud Unit Report	Written report	Emma Cathcart / Elizabeth Griffiths		
3	Use of internet and social media in investigations and enforcement policy	Cabinet report	Emma Cathcart / Elizabeth Griffiths	To be considered at Cabinet on 10 November 2021	

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November 2021 – Date TBC

	Title	Format	Lead Officer / Cabinet Member	Next report / Anticipated Completion Date	Comments
1	Statement of Accounts	Written report	Grant Thornton / Elizabeth Griffiths		Annually (usually September meeting)
2	External Auditor Update Report	Written report	Grant Thornton / Elizabeth Griffiths		Annually (usually September meeting)

20 January 2022

	Title	Format	Lead Officer / Cabinet Member	Next report / Anticipated Completion Date	Comments
1	Internal Audit Progress Report	Written report	SWAP (Lucy Cater) / Elizabeth Griffiths		Quarterly report
2	Counter Fraud Unit Report	Written report	Emma Cathcart / Elizabeth Griffiths		
3	Corporate Risk Register Updates	Written report	Mike Butler / Elizabeth Griffiths		

21 April 2022

	Title	Format	Lead Officer / Cabinet Member	Next report / Anticipated Completion Date	Comments
1	Internal Audit Progress Report	Written report	SWAP (Lucy Cater) / Elizabeth Griffiths		Quarterly report
2	Internal Audit Plan	Written report	SWAP (Lucy Cater) / Elizabeth Griffiths		Annually March or April
2	Counter Fraud Unit Report	Written report	Emma Cathcart / Elizabeth Griffiths		
3	Corporate Risk Register Updates	Written report	Mike Butler / Elizabeth Griffiths		

June / July 2022

	Title	Format	Lead Officer / Cabinet Member	Next report / Anticipated Completion Date	Comments
I	Internal Audit Opinion for 2020/2021	Written report	SWAP (Lucy Cater) / Elizabeth Griffiths		Annually June or July (no quarterly update this month)

Suggestions for future workstreams

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Responsibility for Functions & Delegation Arrangements

The following functions will be the responsibility of the Council itself, but delegated to Committees or sub-Committees as specified. The Council may choose to exercise any of these functions itself, either generally or in relation to a specific case.

Committee	Sub Committee	Membership	Functions	Delegation of functions
Audit and General Purposes		17 members appointed by the Council	<p>Miscellaneous functions which are the responsibility of the Council itself, including electoral matters, meetings administration, and civic activities</p> <p>Approval of the statement of accounts</p> <p>To fulfil the role of an independent Audit Committee in line with CIPFA and Audit Commission guidance and with the statement of purpose* and core audit functions**, and to make recommendations if or as it sees fit to the Cabinet or other appropriate councillor body</p> <p>All “non-executive” matters, as defined under the relevant statute, which are not delegated to another Committee or Sub-Committee or Officer.</p>	
			All functions relating to licensing and registration, including taxi, gaming and food licensing except functions under the Licensing Act 2003	Functions delegated to Miscellaneous Licensing Sub-Committee

* Audit and General Purposes Committee statement of purpose:

To provide independent assurance of the adequacy of the risk management framework and the associated control environment, independent scrutiny of the authority's financial and non-financial performance to the extent that it affects the authority's exposure to risk and weakens the control environment, and to oversee the financial reporting process

** Audit and General Purposes Committee core audit functions:

- To approve (but not direct) internal audit's strategy, plan and performance
- To review summary internal audit reports and the main issues arising, and seek assurance that action has been taken where necessary
- To consider the reports of external audit and inspection agencies
- To consider the effectiveness of the authority's risk management arrangements, the control environment and associated anti fraud and anti corruption arrangements. Seek assurances that action is being taken on risk related issues identified by auditors and inspectors
- To be satisfied that the authority's assurance statements, including the Statement on Internal Control, properly reflect the risk environment and any actions required to improve it
- To ensure that there are effective relationships between external and internal audit, inspection agencies and other relevant bodies, and that the value of the audit process is actively promoted
- To review the financial statements, external auditor's opinion and reports to members, and monitor management action in response to the issues raised by external audit

WEST OXFORDSHIRE DISTRICT COUNCIL

Minutes of the meeting of the
Miscellaneous Licensing Sub-Committee
held via video conferencing at 10:30am on **Thursday 18 March 2021**

PRESENT

Councillors: Norman MacRae MBE (Chairman), Steve Good (Vice Chairman); Dave Jackson, Ed James and Geoff Saul.

Officers: Michelle Bignell (Service Leader, Licensing and Business Support), Debra Courtenay-Crane (ERS Officer), Adrienne Frazer (Strategic Support Officer), and Oliver Somervell (Communications Specialist).

1. MINUTES

RESOLVED: That the minutes of the meeting of the Sub-Committee held on 27 August 2020 be approved as a correct record and signed by the Chairman.

2. APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

No apologies for absence were received.

3. DECLARATIONS OF INTEREST

There were no declarations of interest.

4. PARTICIPATION OF THE PUBLIC

No submissions were received from the public in accordance with the Council's Rules of Procedure.

5. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY REVIEW

The Sub-Committee received and considered the report of the Service Leader, Licensing and Business Support, which provided it with the opportunity to review draft Standards for Licensing Hackney Carriage and Private Hire Drivers prior to the undertaking of a consultation exercise which would precede the further consideration of the matter and the anticipated adoption of a Policy in the autumn.

In introducing the report and its appendices, the Chairman thanked those involved for all the work associated with the preparation of the documents for the meeting, before inviting members of the Sub-Committee to raise comments or queries. He also observed that the Council's current standards/policy were such that it was starting this review from a strong position. The following matters were mentioned:

- In noting that paragraph 1.5 of the statutory taxi and private hire vehicle standards set out in Annex A did not include vulnerable adults in relation to safeguarding, the Sub-Committee was advised that this could be included in the Council's revised policy
- Arising from paragraph 5.3 of Annex A relating to training of members making licensing decisions, the Chairman suggested what is included in resolution (b) below, noting that current members of the Sub-Committee were trained by experience and previous legal advice, and that it was appropriate for the Council to formalise the requirement for training in the future
- In relation to paragraph 5.12 of Annex A and the test of determining whether an applicant was a "fit and proper person", the Sub-Committee was advised that the wording in that section was proposed to be included in the revised policy to be approved later in the year

- The fact that it was proposed that the future review of and consultation on vehicle standards would include views on a mandatory requirement for CCTV
- The proposal in Annex C for revocations to be delegated to officers without the need for prior consultation with the Chairman of the Sub-Committee was queried, and the Service Leader explained that the proposal reflected changes in the statutory standards where there were serious safeguarding concerns
- The question of whether attendance at a speed awareness course should be required to be notified to the Council, it being noted that information as to such attendance was not available generally meaning that the Council could not check on or take action arising from non-disclosure
- The position in relation to diabetes as set out in paragraph 8 of Annex C, with the proposed additional medical requirement, which was an approach being developed in Oxfordshire, as opposed to being part of the statutory standards, and which would result in additional cost to the driver

Following this consideration, the Sub-Committee -

RESOLVED:

- (a) That the draft Standards for Licensing Hackney Carriage and Private Hire Drivers at Annex C to the report, and the draft policies and delegations in Annex D to the report be approved as the basis for the proposed 12 week period of consultation, subject to the incorporation of any changes arising from the discussion summarised above; and
- (b) That Council be recommended to agree that any members newly appointed to this Sub-Committee shall be required to attend suitable training as agreed by the Service Leader, in consultation with the Chairman of the Sub-Committee, prior to participating in any decisions, with this requirement to apply similarly in respect of any temporary appointments for a particular meeting of the Sub-Committee.

6. PAVEMENT LICENSING POLICY IMPLEMENTATION

The Service Leader, Licensing and Business Support offered the meeting an update on the implementation of the Pavement Licensing Policy, and the number of Licences granted. The policy had been put in place in summer 2020 arising from the government's policies to support the economy in the context of the covid-19 pandemic. The Sub-Committee was reminded that the Council did not charge a fee for licences, and that licences had been approved as follows:

Two in Woodstock
One in Carterton
Two in Chipping Norton
Five in Witney

The Sub-Committee was also advised that (i) the policy applied only to land designated as highways land, which had meant that not all applications could be progressed; and (ii) with the anticipated re-opening of licensed premises from 12 April in mind, information about the policy was due to be included in the next edition of the Council's newsletter for businesses.

The meeting closed at 10.50 am

CHAIRMAN

WEST OXFORDSHIRE DISTRICT COUNCIL

Minutes of the meeting of the
Miscellaneous Licensing Sub-Committee
Held in the Council Chamber at 2.00 pm on **Thursday, 9 September 2021**

PRESENT

Councillors: Councillor Norman MacRae MBE (Chairman), Councillor Steve Good (Vice-Chair), Councillor Ted Fenton, Councillor David Jackson and Councillor Geoff Saul

Officers: Michelle Bignell (Service Leader (Licensing and Business Support)), Andrea Thomas (ERS Officer, Professional Services) and Adrienne Frazer (Strategic Support Officer)

6 Minutes of Previous Meeting

The minutes of the meeting held on 2nd July 2021 were approved and signed by the Chairman as a correct record.

7 Apologies for Absence and Temporary Appointments

No apologies for absence were received.

8 Declarations of Interest

There were no declarations of interest received.

9 Participation of the Public

There was none.

10 Hackney Carriage and Private Hire Licensing Policy Review

Members considered the report from the Service Leader (Licensing and Business Support) which asked them to review, and if appropriate approve, the Draft Hackney Carriage and Private Hire Licensing Policy which it was proposed would come into effect from 1 October 2021. A copy of the draft policy was attached as Annex A to the report.

A number of background papers were also provided with the report including:

Annex B – Department for Transport (DfT) Statutory Taxi and Private Hire Standards

Annex C – Copy of Oxfordshire's Joint Operating Framework (JOF)

Annex D – Table showing a comparison between current requirements and the proposed requirements to ensure that the District meets the requirements from the DfT Statutory Standards

Annex E – Draft Conviction policy, enforcements and complaints policy and table of delegations

Annex F – the Council's current Hackney Carriage and Private Hire Licensing Policy (April 2018)

Annex G – Institute of Licensing's Guide to determining suitability of applicants and licensees in the hackney and private hire trades

Annex H – Copy of consultation responses and Officer appraisal

The Service Leader (Licensing and Business Support) explained that the policy had been finalised following a twelve week consultation period. She informed the Committee that the consultation had received a small number of responses and the feedback received had been included in the final policy documents. A copy of the responses received was attached as Annex H to the report.

The Chairman noted that the Council was ahead of many Local Authorities with its Hackney Carriage and Private Hire Licensing Policy. He also brought to the Committee's attention the work to introduce CCTV into private hire vehicles, which was ongoing.

Councillors Good and Fenton asked how data protection was managed with regard to the CCTV initiative. The Chairman advised that the response from the trade was generally positive. The Service Leader (Licensing and Business Support) informed the Committee that the Local Government Association (LGA) and the Information Commissioner's Office (ICO) had provided guidance documents on this. She added that the Council would need to complete a full data impact assessment and this was ongoing work for future implementation.

Having considered the report and having received clarification from the officers present, the Committee.

RESOLVED that the Hackney Carriage and Private Hire Licensing Policy be adopted and the policy would come into effect from 1 October 2021.

II Business and Planning Act 2020 - Extension to Pavement Licensing Regime

Members considered a report from the Service Leader (Licensing and Business Support) on the extension of the current pavement licensing regime and the review of the existing policy. The report asked Members to, if appropriate, approve the draft policy and the proposed fee for licences during 2021/22.

The Service Leader (Licensing and Business Support) explained that the Business and Planning Act 2020 was introduced in 2020 by central Government to support local businesses during the Covid-19 pandemic, including hospitality. The Act included numerous temporary relaxations to existing legislations including the introduction of the Pavement Licensing regime. She added that the Council had chosen to waive the fee for these licences last year, also to support local business. She noted that the policy under consideration included a charge of £100.00 per pavement licence and highlighted that this was less than the actual cost of processing and issuing a licence.

The Chairman noted that the policy had been successful throughout the majority of the District and Councillor Saul added that the policy had been hugely successful in Chipping Norton.

Following questions from Councillor Fenton and Good, the officer clarified that the charge of £100.00 per licence was a flat fee and was capped at this amount by the legislation. Councillors felt that it was now reasonable to begin charging for the licenses and that the fee was appropriate.

Having considered the report and the draft policy attached at Annex A, the Committee

09/September2021

RESOLVED

- a) that the draft Pavement Licensing Policy is approved; *and*
- b) the fee charged for 2021/22 is approved.

The Chairman announced that the Service Leader (Licensing and Business Support) was leaving the Council in November 2021. The Chairman thanked her for her tremendous work and wished her well for the future.

The Meeting closed at 2.08 pm

CHAIRMAN

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