



TO THE CHAIRMAN AND MEMBERS OF THE STANDARDS AND AUDIT COMMITTEE

You are hereby summoned to attend a meeting of the Standards and Audit Committee to be held on Thursday, 23 November 2023 at 7.00 pm in the Council Chamber, Civic Offices, Gloucester Square, Woking, Surrey GU21 6YL.

The agenda for the meeting is set out below.

JULIE FISHER
Chief Executive

NOTE: Filming Council Meetings

Please note the meeting will be filmed and will be broadcast live and subsequently as an archive on the Council's website (www.woking.gov.uk). The images and sound recording will also be used for training purposes within the Council. Generally the public seating areas are not filmed. However by entering the meeting room and using the public seating area, you are consenting to being filmed.

AGENDA

PART I - PRESS AND PUBLIC PRESENT

1. Minutes (Pages 5 - 8)

To approve the minutes of the meeting of the Standards and Audit Committee held on 21 September 2023 as published.

2. Apologies for Absence

To receive any apologies for absence.

3. Declarations of Interest (Pages 9 - 10)

- (i) To receive declarations of interest from Members and Officers in respect of any item to be considered at the meeting.
- (ii) In accordance with the Officer Employment Procedure Rules, the Strategic Director - Corporate Resources, Kevin Foster declares a disclosable personal interest (non-pecuniary) in any items concerning the companies of which he is a Council-appointed director. The companies are listed in the attached schedule. The interests are such that Mr Foster may advise on those items.
- (iii) In accordance with the Officer Employment Procedure Rules, the Strategic Director – Communities, Louise Strongitharm declares a disclosable personal interest (non-pecuniary) in any items concerning the companies of which she is a Council-appointed director. The companies are listed in the attached schedule. The interests are such that Mrs Strongitharm may advise on those items.

4. Urgent Business

To consider any business that the Chairman rules may be dealt with under Section 100B(4) of the Local Government Act 1972.

Matters for Recommendation

5. Amendments to Constitution - Public Participation at Planning Committee STA23-024
(Pages 11 - 30)

Reporting Persons – Beverley Kuchar / Thomas James

6. Amendments to Constitution - Media Protocol STA23-025 (Pages 31 - 46)

Reporting Person – Andy Denner

7. Amendments to Constitution - Provisions for Urgent Business STA23-026 (Pages 47 - 54)

Reporting Person – Gareth John

8. Amendments to Constitution - Questions from Members of Public STA23-027 (Pages 55 - 64)

Reporting Person – Gareth John

Matters for Determination

9. Signing off of Accounts - Prior and Current Years STA23-021 (Pages 65 - 68)

Reporting Persons – Eugene Walker, Steve Bladen (BDO), Joanne Brown (Grant Thornton)

10. Verbal Update on the Progress of the Value for Money Audit

Reporting Person – Joanne Brown (Grant Thornton)

11. Hale End Court - Audit Learning Points STA23-018 (Pages 69 - 72)

Reporting Person – Louise Strongitharm

12. Health and Safety Annual Report STA23-017 (Pages 73 - 96)

Reporting Persons – Amanda Jeffrey and Vicky Pickett

13. Internal Audit Progress Report STA23-019 (Pages 97 - 110)

Reporting Persons – Graeme Clarke and Juan Fosco (Mazars)

14. Internal Audit Charter STA23-020 (Pages 111 - 120)

Reporting Persons – Graeme Clarke and Juan Fosco (Mazars)

15. Annual Governance Statement 2022/23 STA23-023 (Pages 121 - 144)

Reporting Persons – Gareth John and Eugene Walker

AGENDA ENDS

Date Published - 15 November 2023

For further information regarding this agenda and arrangements for the meeting, please contact Doug Davern on 01483 743018 or email doug.davern@woking.gov.uk



Mixed Sources

Product group from well-managed forests and other controlled sources

www.fsc.org Cert no. SA-COC-001794
© 1996 Forest Stewardship Council

MINUTES
OF A MEETING OF THE
STANDARDS AND AUDIT COMMITTEE

held on 21 September 2023

Present:

Mrs C Storey (Chairman)
Cllr A Caulfield (Vice-Chair)

Cllr J Brown Cllr S Greentree
Cllr G Cosnahan Cllr S Oades

1. MINUTES

RESOLVED

That the minutes of the meetings of the Committee held on 22 May and 6 July 2023 be approved and signed as true and correct records.

2. APOLOGIES FOR ABSENCE

No apologies for absence were received.

3. DECLARATIONS OF INTEREST

No Declarations of Interest were received.

4. URGENT BUSINESS

There were no items of Urgent Business.

The Chairman noted that the update on the learning points arising from the Homes England audit on Hale End Court had been deferred to the next meeting due to work taking place on the Council's project governance framework. Also deferred were the Annual Health and Safety report and the Annual Governance Statement.

5. UPDATE ON EXTERNAL AUDIT

Steve Bladen of BDO updated the Committee on the progress of the External Audit since the last meeting. A meeting had taken place with Eugene Walker, the Council's Interim Director of Finance / Section 151 Officer, at which the unresolved issues relating to the 2019/20 accounts were discussed, including the underpayment of Minimum Revenue Provision (MRP), the recoverability of loans made by the Council to third parties, and access to evidence supporting the subsidiary accounts. It was stated that the Council had expressed a preference for the issues to be dealt with in the financial years subsequent to 2019/20, which would take time to work through.

The Committee was advised that in July 2023 the Secretary of State for Local Government had announced a proposal to introduce a statutory deadline for the backlog of audits from 2015/16 onwards, whilst providing as much assurance as was possible. Accordingly, BDO would need to assess the level of assurance for work that had been completed and the likelihood of a qualification, noting that limited assurance would be likely for the group accounts. It was noted that BDO held responsibility for the auditing of the years up to and including 2022/23, which would inform the opening balances for the 2023/24 accounts that would be audited by Grant Thornton. It was added that a meeting had been held with the new subsidiary companies' auditor, Menzies, regarding the prior period adjustments affecting the 2019/20 accounts.

Following a question, Steve stated that it was not the role of an External Auditor to provide advice on how MRP was calculated and that BDO's view was that it had raised the issue with the Committee as a concern previously.

Members expressed concern and frustration over the ongoing delays to finalising the Audit as the issues had been known for many months and Eugene stated that he would liaise with BDO and Grant Thornton regarding a timeline. The Chairman requested that a written update be received at the next meeting.

RESOLVED

That the update be received.

6. REVISED INTERNAL AUDIT ANNUAL PLAN 2023/24 STA23-016

The Chairman proposed and the Committee agreed for the Revised Internal Audit Annual Plan 2023/24 to be received ahead of the Internal Audit Progress Report.

Juan Fosco of Mazars introduced the Annual Plan which had been revised in light of the Government intervention and Section 114 Notice to provide greater focus on financial and expenditure controls, income collection and key financial systems. Key financial systems had been split into more focused in depth reviews of Accounts Payable, Accounts Receivable, Payroll, Council Tax, and Business Rates, alongside areas such as Income Management, Systems Reconciliation and Pensions Fund Administration. As a result of the changes there would be a reduction of 12 days to the originally agreed plan in March 2023. It was noted that the resources had been allocated to ensure that sufficient high risk areas were audited to inform the Head of Internal Audit's annual opinion on the internal control environment.

It was noted that the audits for Health and Safety and Project Planning had been deferred for consideration as part of the 2024/25 plan. The review of Pension Fund Administration would review the effectiveness and compliance of the Council's administration of pension funds. There were also some contingency days left in the plan which could be allocated if required.

Regarding the audit of the Savings Plan and Monitoring of Budgets (including MTFs), it was stated that external advisors were assisting the Council with the assessment of the deliverability of the savings identified and possible implementation risks.

RESOLVED

That the revised Internal Audit Annual Plan for 2023/24 be approved.

7. INTERNAL AUDIT PROGRESS REPORT STA23-015

Juan Fosco of Mazars introduced the progress report which set out audit activity and performance from 11 February 2022 to 8 September 2023.

It was stated that the two reports previously released in draft (Disabled Facility Grants and Human Resources – Recruitment and Retention) had now been finalised and eight further reports had been released in draft. To date, there had been 15 high priority recommendations made. As of 8 September 2023, there were 17 recommendations which had passed their initially agreed implementation dates, two of which were classed as high priority in relation to the Counter Fraud audit.

Following questions by the Chairman, it was agreed these two recommendations would be followed up outside the meeting; and noted that the process was for the Council's Corporate Leadership team to approve draft reports prior to them being finalised. It was added that some historic recommendations may have become less significant in light of the effects of the recent Section 114 Notice, and that there would be a greater focus on the components of key financial systems going forward.

RESOLVED

That the report be received and progress against the 2023-24 Internal Audit Plan and implementation of Internal Audit recommendations be noted.

8. OMBUDSMEN COMPLAINTS STA23-012

The Committee received the annual Ombudsman Complaints report and noted the outcome of the two cases investigated by the Housing Ombudsman.

RESOLVED

That the position regarding complaints to the Local Government and Social Care Ombudsman and the Housing Ombudsman be noted.

9. MEMBERS' CODE OF CONDUCT STA23-013

The Committee received the annual report on Members' Code of Conduct and noted that the number of complaints received by the Monitoring Officer had reduced from eleven to six.

RESOLVED

That (i) the report detailing the complaints, submitted under the Members' Code of Conduct, received by the Monitoring Officer between 1 August 2022 and 31 July 2023 be noted; and
(ii) there were no areas of concern upon which the Committee would like the Monitoring Officer to provide further information on.

The meeting commenced at 7.30 pm
and ended at 8.35 pm

Chairman: _____

Date: _____

Agenda Item 3.

Schedule Referred to in Declaration of Interests

Council-appointed directorships

Kevin Foster, Strategic Director – Corporate Resource	
Brookwood Cemetery Limited	VSW Hotel Limited
Brookwood Park Limited	Victoria Square Residential Limited
Export House Limited	Victoria Square Woking Limited
Kingfield Community Sports Centre Limited	Woking Necropolis and Mausoleum Limited
LAC 2021 Limited (Dormant)	Woking Shopping Limited

Louise Strongitharm, Strategic Director – Communities	
Rutland Woking (Carthouse Lane) Limited	Rutland Woking (Residential) Limited
Rutland (Woking) Limited	

Adam Walther, Head of Transformation and Digital	
Brookwood Cemetery Limited	Thamesway Developments Limited
Brookwood Park Limited	Thamesway Energy Limited
Thamesway Central Milton Keynes Limited	Thamesway Limited
Thamesway Sustainable Communities Limited	Thamesway Solar Limited
Woking Necropolis and Mausoleum Limited	

STANDARDS AND AUDIT COMMITTEE – 23 NOVEMBER 2023

AMENDMENTS TO CONSTITUTION – PUBLIC PARTICIPATION AT PLANNING COMMITTEE

Executive Summary

Under the current Constitution, applications which are reported to the Planning Committee for determination attract public speaking if 10 or more individual objections have been received prior to the designated cut-off date which is 14 days prior to the meeting. After reviewing the procedure for public speaking it has been proposed to amend the threshold to 5 objections and to also include supporters of applications. Appendix 1 shows the tracked changes to the Constitution and Appendix 2 contains the draft new section of the Constitution as would be inserted.

The proposal was considered at the meeting of the Corporate Governance Working Group held on 11 October 2023 and it was agreed to recommend the amendments to the Standards and Audit Committee for recommendation thereon to Council at its meeting on 30 November 2023. In particular, discussion was held regarding whether there should be a threshold at all for public speaking at meetings of the Planning Committee. An extract from the minutes of the meeting is included as Appendix 3 to this report.

In addition, the proposals set out in the body of this report were received by the Overview and Scrutiny Committee and the Planning Committee at their respective meetings on 16 October 2023 and 7 November 2023.

An extract from the minutes of the meeting of the Overview and Scrutiny Committee is set out in Appendix 4 to this report. The Overview and Scrutiny Committee expressed concern over removing the threshold altogether for public speaking due to the impact this would have on the workloads of the Planning Committee and Officers, and the significant impact the change would have on the length of the Planning Committee meetings if there was the option for members of the public to speak on every application. Following discussion, the Committee recommended three changes which have been included in Appendices 1 and 2 of this report:

- Amend Paragraph 1.2 to state that the number of **representations** required before a planning application qualifies for public speaking at the Planning Committee is five.
- Amend Paragraph 2.2 to state that the public may speak on any application which attracts five or more **representations**.”
- Amend any reference to communications by letter [sent by the Council to local residents] to be revised throughout the Public Speaking at Planning Committee section of the Constitution to allow for the most appropriate form of written communication, namely by letter or by email.

An extract from the draft minutes of the Planning Committee is included as Appendix 5. The Planning Committee felt that no changes should be made which would see an increase in planning applications being received by the Committee, in light of comments from the Portfolio Holder, Councillor Lyons, regarding the forthcoming staffing changes across the Council and the need for lowering the level of service provided. Following discussion, the Committee recommended three changes which have also been included in Appendices 1 and 2 of this report:

- Any reference to ‘objector’ must be consistent with also reference to ‘supporter’ in the Public Speaking at Planning Committee section of the Constitution;
- Point 1.2 be re-worded to read “The number of objectors or supporters required, in contrary to the Officers recommendation, before a planning application qualifies for public speaking at the Planning Committee is five (5).”
- Amend point 3.9 and any other reference to read “Only one representor of the objectors or supporters/applicant will be allowed to make an oral representation.”

Amendments to Constitution – Public Speaking at Planning Committee

The below resolution before the Standards and Audit Committee contains the recommendations from the Corporate Governance Working Group, with the text for inclusion in the Constitution as amended by the Overview and Scrutiny Committee and the Planning Committee.

Recommendations

The Committee is requested to:

RECOMMEND TO COUNCIL That

- (i) the amended Public Speaking at Planning Committee section of the Constitution (Appendix 2) be adopted;
- (ii) the authority delegated to the Monitoring Officer to make minor amendments to the Constitution be noted, including amendments to references within the document and section numbering; and
- (iii) the Monitoring Officer be instructed to make the agreed changes to the Constitution.

The item(s) above will need to be dealt with by way of a recommendation to Council.

Background Papers:	None.
Reporting Person:	Beverley Kuchar, Interim Strategic Director – Place Email: beverley.kuchar@woking.gov.uk , Extn 3473 Thomas James, Development Manager Email: thomas.james@woking.gov.uk , Extn 3435
Contact Person:	Thomas James, Development Manager Email: thomas.james@woking.gov.uk , Extn 3435
Date Published:	15 November 2023

Amendments to Constitution – Public Speaking at Planning Committee

1.0 Introduction

- 1.1 The Council resolved to introduce public participation at Planning Committee meetings (formerly the Development Control Sub-Committee) on 25 February 1997. The constitution sets out the criteria for applications which are reported to planning committee which enable public speaking to take place.
- 1.2 For the purpose of expediency and the efficient running of planning committee, a threshold was established of 10 individual objections must be received prior to a designated cut off date. This is an important part of the running of planning committee to enable it to run efficiently whilst allowing public speaking to take part. It is important to continually review the operational needs of the Planning Service and the needs upon the service evolve over time.

2.0 Current arrangements for public speaking

- 2.1 The current arrangements as set out in the Constitution is only applicable to planning applications. It does not include Certificates of Lawful Use and Development or applications for work to trees covered by Tree Preservation Orders. The Public may speak when any application which attracts ten or more individual objections (a petition will be regarded as one objection) prior to the designated cut-off date, which will be 14 days prior to the meeting or, if later, the expiry of the 21-day period for receipt of representations.
- 2.2 In addition, the public have a right to address the planning committee on the following applications irrespective of the number of objections made:
 - i) any application which in the opinion of the Borough Planning Officer raises major policy issues which is at variance with approved planning policies, or is of such a magnitude that significant planning issues are raised;
 - ii) any application for development requiring an Environmental Statement under the provisions of Schedule I and II of the Town and Country Planning (Assessment of Environmental Effects) Regulations 1988 and any subsequent amending regulations;
 - iii) applications for major commercial (retail, industrial or business) development with a floor space exceeding 2500 sq. metres (outline or detailed applications), but not reserved matters; and
 - iv) applications for residential developments of over 50 dwellings (outline or detailed applications), but not reserved matters
- 2.3 Only one representor of the objectors is allowed to make an oral representation. This is done on a 'first come first served' basis, i.e. the first person to register on the dedicated answerphone. Applicants or agents will be notified, advising them of the date of the meeting and that they also have the right to make an oral presentation if objectors have given notice that they wish to make representations. Representors views are heard in the following order: representative of the objectors and agent/applicant. Each speaker is allocated three minutes.

3.0 Proposal

- 3.1 A review of the operational needs of public speaking at planning committee has been undertaken by officers from the planning, legal and democratic services. This has included benchmarking public speaking arrangements at other Surrey planning authorities. The results of the benchmarking can be seen in the table below.

Amendments to Constitution – Public Speaking at Planning Committee

Authority	Threshold for public speaking at committee
Elmbridge	No threshold, all applications which go to committee can have public speaking. 1 speaker in support (agent) and one objector. 3 minutes each and Members can ask them questions.
Epsom and Ewell	No threshold, all applications which go to committee can have public speaking
Guildford	10 reps for householder and 20 reps for non-householder contrary to officers' recommendation. 2 speakers for support/against.
Mole Valley	20 reps from different households or petition of 50 signatures from different households.
Reigate and Banstead	No threshold, all applications which go to committee can have public speaking.
Runnymede	3 written objections from individual addresses.
Spelthorne	No threshold, all applications which go to committee can have public speaking.
Surrey CC	No threshold, all applications which to committee can have public speaking. Up to 5 objectors and 5 supporters can speak on an application.
Surrey Heath	10 reps in urban areas and 5 reps in rural areas to trigger public speaking. 2 objectors can speak for 4 mins and Cllrs can ask questions.
Tandridge	No threshold, all applications which go to committee can have public speaking.
Waverley	5 or more objectors/supporters. 1 objector and 1 supporter can speak for 4 mins.
Woking	10 individual objectors/supporters on planning applications only need to be received 14 days before committee. Plus, applications which are subject to Environmental Statements, residential developments of over 50 dwellings and buildings over 2,500sq.m. 1 objector/supporter and agent can speak for 3 mins.

- 3.2 As can be noted there is no consistency amongst the Surrey authorities and the threshold vary considerably. There are some authorities which have no threshold and all applications which are reported to planning committee attract public speaking to were 20 representations from different households is required. This variation reflects the different nature of each local authority, how rural/urban they are and what scheme of delegation they have in place.
- 3.3 The function of the Planning Committee is to scrutinise and decide those applications which have an important role in fulfilling strategic objectives or are contentious and require closely balanced judgements. The Planning Committee is a regulatory committee and the primary role of Councillors on the committee is to make planning decisions based on the development plan and relevant material planning considerations. It is not to represent local community views. Planning decisions need to ensure they accord with the Development Plan unless material considerations indicate otherwise (including the NPPF). It is necessary therefore to strike the correct balance between the efficient running of planning committee and enabling public participation where the objectors/supporters can put forward representations orally. Written representations received on applications are summarized in the committee report and are available to view online. Where written representations are received after the agenda has been published, these are also placed online and officers provide a verbal update at committee. Therefore, comments from third parties and consultees are always taken into account.
- 3.4 To enable greater public participation at planning committee whilst also maintaining business at planning committee is run efficiently, it is proposed to reduce the current threshold of 10 objectors to 5. The current arrangements for public speaking is only applicable where an application has received 10 objections. There has been and can be instances where applications are reported to planning committee where there are supporters of the proposal. The current arrangement only refers to objectors so in instances such as these where there

Amendments to Constitution – Public Speaking at Planning Committee

are supporters of the proposal, no public speaking is allowed. It is proposed to expand the public speaking arrangements to include supporters of applications as well. Clarity is also proposed to make it clear individual objectors/supporters need to come from separate households.

- 3.5 The proposed changes to the public speaking arrangements will not affect the scheme of delegation and these will remain as set out in the Council's consultation.

4.0 Corporate Strategy

- 4.1 The additional measures arising from this report will support delivery of the corporate plan objectives for engaged communities, informed and consulted residents and a transparent, listening and learning council.

5.0 Implications

Finance and risk

- 5.1 There are no financial implications.
- 5.2 There are no risk management issues arising from this report.

Equalities and Human Resources

- 5.3 There are no equalities or human resource implications associated with this report.

Legal

- 5.4 Legal Services have been consulted and have not raised any concerns.

6.0 Engagement and Consultation

- 6.1 Discussions have been made with the Chairman and Vice Chairman of the Planning Committee as well as the Portfolio Holder of Planning. The report was received by the Planning Committee at its meeting on 7 November 2023.

REPORT ENDS

Public Participation at Planning Committee

1.0 Principles

- 1.1. The Council resolved to introduce public participation at meetings of the Development Control Sub-Committee which was brought into operation on 25 February 1997. The principles now apply to the Planning Committee which was established in May 2000 as a result of the introduction of new Council democratic structures at that time.
- 1.2. The number of ~~representations objectors or supporters~~ required, contrary to the Officers' recommendation, before a planning application qualifies for public speaking at the Planning Committee is ~~ten~~five (5).

2.0 Definitions

Applications on which the Public may Speak

- 2.1. The public speaking scheme applies only to planning applications. It does not include Certificates of Lawful Use and Development or applications for work to trees covered by Tree Preservation Orders.

2.2. Public may speak when on any application which attracts ~~ten~~five (5) or more ~~representations individual objections or letters of support~~. ~~(a petition will be regarded as one objection)~~

2.3. The threshold must be met prior to the designated cut-off date, which will be 14 days prior to the meeting or, if later, the expiry of the 21-day period for receipt of representations.

2.4. When considering an objection or letter of support:

2.4.1. a petition will be regarded as one objection or letter of support; and

2.4.1-2.4.2. only one objection or letter of support may be submitted per household. Should more than one be submitted, only the first shall be considered.

2.2-2.5. In addition, the public will have the right to address the Committee on any of the following types of applications irrespective of the number of objections made:

- (i) any application which in the opinion of the Borough Planning Officer raises major policy issues which is at variance with approved planning policies, or is of such a magnitude that significant planning issues are raised;
- (ii) any application for development requiring an Environmental Statement under the provisions of Schedule I and II of the Town and Country Planning (Assessment of Environmental Effects) Regulations 1988 and any subsequent amending regulations;
- (iii) applications for major commercial (retail, industrial or business) development with a floor space exceeding 2500 sq. metres (outline or detailed applications), but not reserved matters; and
- (iv) applications for residential developments of over 50 dwellings (outline or detailed applications), but not reserved matters.

2.3.2.6. Council applications are also subject to the same criteria set out above.

Applications that Officers shall normally give a presentation to the Committee

2.4.2.7. This category will be of the type currently included on Section A and B of the Planning Committee agenda which would include:

- (i) developments proposing in excess of one dwelling;
- (ii) certain applications for change of use;
- (iii) non-controversial business or industrial/warehouse or retail proposals;
- (iv) all development proposals (including minor applications) submitted by the Council; and
- (v) applications involving a Member of the Council or staff.

2.5.2.8. A presentation will also be given on any application where the public exercise a right to speak.

Applications which will not be formally presented to the Committee unless specifically requested by Councillors on which the public will not be invited to speak

2.6.2.9. This will normally be other minor applications which have been referred to the Committee at the request of Borough Planning Officer which would normally be dealt with under delegated powers.

2.7.2.10. Also, minor applications where enforcement action is being recommended will not normally be presented by Officers but will be included on this section of the Planning Committee agenda.

3.0 Procedures

Informing the Public

- 3.1. The letters or emails which are sent to persons identified under the Council's neighbour notification procedure will also include advice that objectors and supporters may have a right to speak at Committee meetings and will enclose an information leaflet explaining what happens at the Committee meeting.
- 3.2. The agenda is normally published seven clear days prior to the Committee meeting. The 'cut-off' point for receipt of letters, or electronic communications, which would fall into the criteria of allowing public speaking shall be 14 days prior to the meeting or, if later, the expiry of the 21-day period for receipt of representations.
- 3.3. At the end of the working day, 14 days prior to the meeting at which the application is to be considered or later (as the case may be), the case Officer s/team leaders will advise the Borough Planning Officer of those applications intended for inclusion on the agenda which have attracted five (5)40 (see point 1.2 above) or more objections (and, of course, those applications which the right to speak arises irrespective of the number of objections).
- 3.4. If the representations received exceed five (5)40 (see point 1.2 above) individual letters (a petition would count as one objection or letter of support, but standardised

letters will be treated as individual letters) then notification will be sent to all those persons advising them of their right to speak (in the case of a petition the first named person). The letter will be sent first class or by email no later than the Wednesday following the dispatch of the agenda which is normally received by Councillors on the Tuesday evening preceding the day following the publication of the agenda (also letters or emails need to be sent to any objectors or supporters to major applications with less than five (5)⁴⁰ (see paragraph 1.~~23~~. above) objections or expressions of support which are to be included on the first part of the agenda).

- 3.5. The wording of the current letter or email sent to applicants or agents has been revised, advising them of the date of the meeting and that they also have the right to make an oral presentation if objectors or supporters have given notice that they wish to make representations.
- 3.6. A list of the objectors and supporters (in all the categories where the right to speak exists) will be advised to the Democratic Services Officer together with details (and a contact number if known) of the agent or applicant.
- 3.7. In the letter or email advising the representors that they may speak at the meeting; they will be required to register an interest no later than 4.00 p.m. on the Monday prior to the day of the Committee meeting (or 9.00 a.m. on the Tuesday following Bank Holidays). Representors will be required to leave their details on a 24hr answerphone which will be open from 9.00 a.m. on the day after the agenda goes out. Democratic Services will have responsibility for monitoring and actioning calls.
- 3.8. The representor will be advised of the arrangements for the procedure at the Committee and the agent or applicant will be contacted and advised that representations are to be made.
- 3.9. Only one representor of the objectors or supporters/applicant will be allowed to make an oral representation. This should be done on a 'first come first served' basis, i.e. the first person to register on the dedicated answerphone. Any subsequent representors wishing to speak will be advised by the Democratic Services Officer to contact the person who will be appearing so that representations can be combined if necessary.

4.0 Procedure at Committee

~~4.1. All speakers will be required to report to the Democratic Services Officer in the Council Chamber no later than 6.45 p.m. on the night of the Committee. The Democratic Services Officer will meet the speakers and explain procedures and give directions as to where to sit in the Chamber. If the objector fails to appear then the applicant/agent will not be entitled to speak.~~

~~4.2.4.1.~~ Where more than one person has registered an interest to speak, the second named representor will be entitled to speak if the first named representor is not in attendance five minutes before the start of the meeting.

~~4.3.4.2.~~ Officers will introduce the application and advise Councillors on the recommendations.

~~4.4.4.3.~~ Representors' views will then be heard in the following order: representative of the objectors and supporters/agent/applicant. Each speaker will be allocated three minutes.

4.5.4.4. Whilst objectors, ~~and the agents,~~ applicants and supporters have a right to speak, applications will not be deferred because one side is unable or does not wish to be present.

4.6.4.5. Councillors will not ask questions of the representatives at the end of the address. The representor will then be asked to move back to an allocated seating area.

4.7.4.6. Officers will then be asked by the Chair whether they have anything to add by way of clarification.

4.8.4.7. The Committee will then debate the application (no more representors' views will be taken once the debate has started).

4.9.4.8. Representors will not have the right to speak or question the Councillors or Officers once they have made their submission.

4.10.4.9. Councillors will have the opportunity of asking further questions of the Officers and, if necessary, ask Officers to make a brief summary of the planning issues, at the end of the debate.

4.11.4.10. If the representors wish to present documentary material this should be made available to the Democratic Services Officer before 12.00 noon on the day of the Committee.

4.12.4.11. The right to speak will only be exercised at the first meeting of the Planning Committee at which the application is considered and will not normally be the subject of further representors presentations at any subsequent meeting.

4.12. Exceptionally, where significant changes have taken place after a deferral by the Committee, a further presentation may be allowed.

4.13. In the event that a representor does not get the opportunity to speak as a result of the deferral of an application (either by the Borough Planning Officer or at the request of the applicant) before it is presented to the Committee, their chance to speak when the application is referred back to the Committee for consideration will be protected (i.e. they will be offered the opportunity first).

4.14. ~~Notes~~

4.15. ~~Representors will be allocated space behind the area normally occupied by the Press and come forward to the end of the outer horseshoe (nearest to where the Democratic Services Officer sits) when speaking. A lectern will be placed in this position prior to the meeting.~~

4.16. ~~The format of the revised agenda will include the following headings:~~

~~Section A: Applications on which the public are eligible to speak.~~

~~Section B: Applications which will be the subject of a presentation by Officers.~~

~~Section C: Other applications where no presentations will be made unless requested by a Member of the Council.~~

Public Participation at Planning Committee

1.0 Principles

- 1.1. The Council resolved to introduce public participation at meetings of the Development Control Sub-Committee which was brought into operation on 25 February 1997. The principles now apply to the Planning Committee which was established in May 2000 as a result of the introduction of new Council democratic structures at that time.
- 1.2. The number of representations required, contrary to the Officers' recommendation, before a planning application qualifies for public speaking at the Planning Committee is five (5).

2.0 Definitions

Applications on which the Public may Speak

- 2.1. The public speaking scheme applies only to planning applications. It does not include Certificates of Lawful Use and Development or applications for work to trees covered by Tree Preservation Orders.
- 2.2. Public may speak on any application which attracts five (5) or more representations.
- 2.3. The threshold must be met prior to the designated cut-off date, which will be 14 days prior to the meeting or, if later, the expiry of the 21-day period for receipt of representations.
- 2.4. When considering an objection or letter of support:
 - 2.4.1. a petition will be regarded as one objection or letter of support; and
 - 2.4.2. only one objection or letter of support may be submitted per household. Should more than one be submitted, only the first shall be considered.
- 2.5. In addition, the public will have the right to address the Committee on any of the following types of applications irrespective of the number of objections made:
 - (i) any application which in the opinion of the Borough Planning Officer raises major policy issues which is at variance with approved planning policies, or is of such a magnitude that significant planning issues are raised;
 - (ii) any application for development requiring an Environmental Statement under the provisions of Schedule I and II of the Town and Country Planning (Assessment of Environmental Effects) Regulations 1988 and any subsequent amending regulations;
 - (iii) applications for major commercial (retail, industrial or business) development with a floor space exceeding 2500 sq. metres (outline or detailed applications), but not reserved matters; and
 - (iv) applications for residential developments of over 50 dwellings (outline or detailed applications), but not reserved matters.
- 2.6. Council applications are also subject to the same criteria set out above.

Applications that Officers shall normally give a presentation to the Committee

- 2.7. This category will be of the type currently included on Section A and B of the Planning Committee agenda which would include:
- (i) developments proposing in excess of one dwelling;
 - (ii) certain applications for change of use;
 - (iii) non-controversial business or industrial/warehouse or retail proposals;
 - (iv) all development proposals (including minor applications) submitted by the Council; and
 - (v) applications involving a Member of the Council or staff.
- 2.8. A presentation will also be given on any application where the public exercise a right to speak.

Applications which will not be formally presented to the Committee unless specifically requested by Councillors on which the public will not be invited to speak

- 2.9. This will normally be other minor applications which have been referred to the Committee at the request of Borough Planning Officer which would normally be dealt with under delegated powers.
- 2.10. Also, minor applications where enforcement action is being recommended will not normally be presented by Officers but will be included on this section of the Planning Committee agenda.

3.0 Procedures

Informing the Public

- 3.1. The letters or emails which are sent to persons identified under the Council's neighbour notification procedure will also include advice that objectors and supporters may have a right to speak at Committee meetings and will enclose an information leaflet explaining what happens at the Committee meeting.
- 3.2. The agenda is normally published seven clear days prior to the Committee meeting. The 'cut-off' point for receipt of letters, or electronic communications, which would fall into the criteria of allowing public speaking shall be 14 days prior to the meeting or, if later, the expiry of the 21-day period for receipt of representations.
- 3.3. At the end of the working day, 14 days prior to the meeting at which the application is to be considered or later (as the case may be), the case Officers/team leaders will advise the Borough Planning Officer of those applications intended for inclusion on the agenda which have attracted five (5) (see point 1.2 above) or more objections (and, of course, those applications which the right to speak arises irrespective of the number of objections).
- 3.4. If the representations received exceed five (5) (see point 1.2 above) individual letters (a petition would count as one objection or letter of support, but standardised letters will be treated as individual letters) then notification will be sent to all those persons

advising them of their right to speak (in the case of a petition the first named person). The letter will be sent first class or by email **the day following the publication of the agenda** (also letters or emails need to be sent to any objectors or supporters to major applications with less than five (5) (see paragraph 1.2. above) objections or expressions of support which are to be included on the first part of the agenda).

- 3.5. The wording of the current letter or email sent to applicants or agents has been revised, advising them of the date of the meeting and that they also have the right to make an oral presentation if objectors or supporters have given notice that they wish to make representations.
- 3.6. A list of the objectors and supporters (in all the categories where the right to speak exists) will be advised to the Democratic Services Officer together with details (and a contact number if known) of the agent or applicant.
- 3.7. In the letter or email advising the representors that they may speak at the meeting; they will be required to register an interest no later than 4.00 p.m. on the Monday prior to the day of the Committee meeting (or 9.00 a.m. on the Tuesday following Bank Holidays). Representors will be required to leave their details on a 24hr answerphone which will be open from 9.00 a.m. on the day after the agenda goes out. Democratic Services will have responsibility for monitoring and actioning calls.
- 3.8. The representor will be advised of the arrangements for the procedure at the Committee and the agent or applicant will be contacted and advised that representations are to be made.
- 3.9. Only one representor of the objectors or supporters/applicant will be allowed to make an oral representation. This should be done on a 'first come first served' basis, i.e. the first person to register on the dedicated answerphone. Any subsequent representors wishing to speak will be advised by the Democratic Services Officer to contact the person who will be appearing so that representations can be combined if necessary.

4.0 Procedure at Committee

- 4.1. Where more than one person has registered an interest to speak, the second named representor will be entitled to speak if the first named representor is not in attendance five minutes before the start of the meeting.
- 4.2. Officers will introduce the application and advise Councillors on the recommendations.
- 4.3. Representors' views will then be heard in the following order: representative of the objectors and supporters/agent/applicant. Each speaker will be allocated three minutes.
- 4.4. Whilst objectors, the agents, applicants and supporters have a right to speak, applications will not be deferred because one side is unable or does not wish to be present.
- 4.5. Councillors will not ask questions of the representatives at the end of the address. The representor will then be asked to move back to an allocated seating area.
- 4.6. Officers will then be asked by the Chair whether they have anything to add by way of clarification.

- 4.7. The Committee will then debate the application (no more representors' views will be taken once the debate has started).
- 4.8. Representors will not have the right to speak or question the Councillors or Officers once they have made their submission.
- 4.9. Councillors will have the opportunity of asking further questions of the Officers and, if necessary, ask Officers to make a brief summary of the planning issues, at the end of the debate.
- 4.10. If the representors wish to present documentary material this should be made available to the Democratic Services Officer before 12.00 noon on the day of the Committee.
- 4.11. The right to speak will only be exercised at the first meeting of the Planning Committee at which the application is considered and will not normally be the subject of further representors presentations at any subsequent meeting.
- 4.12. Exceptionally, where significant changes have taken place after a deferral by the Committee, a further presentation may be allowed.
- 4.13. In the event that a representor does not get the opportunity to speak as a result of the deferral of an application (either by the Borough Planning Officer or at the request of the applicant) before it is presented to the Committee, their chance to speak when the application is referred back to the Committee for consideration will be protected (i.e. they will be offered the opportunity first).

Extract from Minutes of Corporate Governance Working Group – 11 October 2023**“5. Public Participation at Planning Committee.**

The Chairman [Councillor Andy Caulfield] welcomed Tom James to the meeting for the item and thanked him for providing the benchmarking information against neighbouring local authorities. It was noted that a supplementary paper had been circulated with further amendments for three of the four items on the agenda proposing amendments to the Constitution.

Tom stated that the current Constitution permitted public speaking at Planning Committee for applications which had received 10 or more individual objections received by the deadline of 14 days' prior to the meeting. The proposal before the Working Group was to amend the threshold to 5 objections and also include supporters of applications. It was noted that the current arrangements had been introduced in 1997 at a time when the delegations to officers were at a much lower level, meaning that there were generally 15-20 items for determination at each meeting. It was noted as important to ensure the workings of the Committee continued to be efficient and fit for purpose moving forward.

Discussion ensued as to whether there should be a threshold at all for public speaking. Tom advised that the arrangements differed by authority, for example Tandridge did not set a threshold but had much greater level of delegation available. It was felt that the report should be recommended to the Standards and Audit Committee without amendment, however the option could be raised by Members at the Overview and Scrutiny Committee meeting on 16 October 2023 at which the report was being received. It was suggested that, subject to the agreement of the Councillor Brown as Chairman of the Overview and Scrutiny Committee, that Councillor Morales be invited to attend the meeting as Chairman of the Planning Committee.

In addition, it was noted that the proposals would be received by the Planning Committee at its next meeting on 7 November 2023. The Chair referred to his email in advance on residents' rights to speak not being curtailed at paragraphs 4.6, 4.9, 4.12 etc and being genuine and legitimate at 3.7.

It was noted that, if possible, the publication of papers for the Corporate Governance Working Group being circulated ten days in advance would be welcomed, which could also be strived towards more broadly across the Council's Working Groups. The Chair and Frank discussed that this could become a protocol aspired to for all papers to be circulated in advance of all Council meetings.

The Group agreed the recommendations.

**RECOMMENDED TO THE STANDARDS AND AUDIT COMMITTEE FOR
RECOMMENDATION THEREON TO COUNCIL That**

- (i) the amended Public Speaking at Planning Committee section of the Constitution (Appendix 2) be adopted;**
- (ii) the authority delegated to the Monitoring Officer to make minor amendments to the Constitution be noted, including amendments to references within the document and section numbering; and**
- (iii) the Monitoring Officer be instructed to make the agreed changes to the Constitution.”**

Extract from Minutes of Overview and Scrutiny Committee – 16 October 2023

“Elements of the Council’s consultation were currently being reviewed and the Committee had before it details of changes drawn up around the public participation element of the Planning Committee. The objectives of the changes were to simplify the process and ensure that residents’ representations were treated equally, regardless of whether they supported or objected to a particular planning application. The proposals also recommended that the current threshold for public speaking – a minimum of ten objections to an application – should be reduced to a total of five representations.

The proposals had already been considered at a meeting of the Corporate Governance Working Group, at which the Members had suggested removing the threshold altogether. Officers had agreed to consider the proposal, noting that it could have a significant impact on the length of the Planning Committee meetings if there was the option to speak on every application. The Officers had undertaken to review whether greater Officer delegation could offset the impact on the Committee.

It was noted that the draft extract for the Constitution indicated that any representations received would be responded to by letter, albeit first class. It suggested that the options for communications should be widened to include responses by email to allow for the most appropriate form of written communication. The Committee welcomed the suggestion.

The Committee discussed the possibility of removing the threshold for representations though expressed some concerns over the impact this would have on the workloads of the Planning Committee and Officers. The possibility of restricting representations to residents only was discussed though it was noted that this could be to the detriment of applicants or agents who could be based outside of the Borough.

Reference was made to paragraph 1.2 of the draft constitution section which referred to the threshold figure of five. It was felt that the paragraph was unclear and the Committee agreed that the wording should be clarified to ensure that its meaning was no longer ambiguous. Above all, the Committee was keen to avoid the current arrangements for public speaking at the Planning Committee from becoming more complex.

It was noted that, under both the existing scheme and the proposed scheme, those making representations could, should they so choose, register to speak with the intention of preventing those wishing to support or object to the application from speaking. Officers advised that, although this was a risk, to-date such attempts had not occurred.

The Members welcomed the ambition to review the public participation at Planning Committee arrangements, and it was noted that the proposals, together with the comments from the Corporate Governance Working Group and the Overview and Scrutiny Committee, would be considered by the Planning Committee itself before a report was presented to the Standards and Audit Committee for recommendation to Council. In the meantime, the Members of the Committee could raise any questions outside of the Committee meeting.

RESOLVED

That the Committee support the amended Public Participation at Planning Committee section of the Constitution and that the Committee’s proposals be taken forward with the proposed scheme:

Amendments to Constitution – Public Speaking at Planning Committee

- (a) Paragraphs 1.2 and 2.2 of the draft wording be amended for clarity as follows (changes highlighted in bold):
- “1.2 The number of **representations** required before a planning application qualifies for public speaking at the Planning Committee is five (5).”
- “2.2 Public may speak on any application which attracts five (5) or more **representations**.”
- (b) Any reference to communications by letter to be revised throughout the Public Speaking at Planning Committee section of the Constitution to allow for the most appropriate form of written communication, namely by letter or by email.”

Extract from Draft Minutes of Planning Committee – 7 November 2023**“10. PUBLIC PARTICIPATION AT PLANNING COMMITTEE**

The Borough Council's arrangements for public participation at meetings of the Planning Committee had been reviewed with the purpose of allowing supporters and objectors equal opportunity to speak at the Committee meetings. The existing arrangements required 10 letters of objection before public speaking on an application was allowed. Under the proposals, this would change to a minimum of five representations, regardless of whether they supported or objected to an application.

The proposed amendments had been considered by the Corporate Governance Working Group and the Overview and Scrutiny Committee and were before the Planning Committee to consider the proposed changes.

The Chairman flagged up an error in the text of the report, and asked that the word 'supporter' be added consistently throughout. The Chairman noted this was missing from point 4.4 and 4.5, and asked Officers to thoroughly check the remainder of the document.

Following a suggestion by the Chairman to remove point 4.12, which stated the right to speak would only be exercised at the first meeting, it was agreed that point 4.13 would actually cover any need for public speaking to be allowed a second time on an application. The Committee agreed that very few applications came back in their original form and point 4.13 would allow public speaking for a second time if it was necessary.

The Committee asked that the wording in the Constitution make it clear that an objector or supporter could only speak if it was contrary to the Planning Officers recommendation. Under point 1.2 it was suggested it be re-worded to read "The number of objectors or supporters required, in contrary to the Officers recommendation, before a planning application qualifies for public speaking at the Planning Committee is five (5)."

It was clarified that details regarding the receipt of petitions had not been deleted, but had been expanded under point 2.41.

Councillor L Lyons, Planning Portfolio Holder, commented that the Planning Committee needed to be more accessible and commended all the work that had been done to update the Public Speaking at Planning Committee section of the Constitution. He cautioned making any changes that would see an increase in applications coming to the Committee for determination. There would be huge staffing changes at Woking Borough Council, and a lowering of service would need to be accepted. Councillor L Lyons also cautioned against a policy that allowed a member of the public to speak in support of an application, in addition to the applicant.

The Chairman commented that her understanding was that if the text 'contrary to the Officers recommendation' was added, this would mean that a supporter or the applicant could speak, not both. The current policy meant that public speaking was not allowed from the applicant/supporter if there was no one registered in objection, the new proposal would solve this. Thomas James, Development Manager, suggested that to address Councillor L Lyons concerns, he could change the wording in point 3.9 to state "Only one representor of the objectors or supporters/applicant would be allowed to make an oral presentation". Mr James said that this would make it clear only one person could speak and he would also check whether there was reference elsewhere in the section where this would need to be added.

Amendments to Constitution – Public Speaking at Planning Committee

Following a question from the Committee, it was confirmed that if approved by Council in November, the changes would come into effect shortly afterwards.

RECOMMENDED TO THE STANDARDS AND AUDIT COMMITTEE FOR RECOMMENDATION THEREON TO COUNCIL That

- (i) the amended Public Participation at Planning Committee section of the Constitution (Appendix 2 to the report) be adopted, subject to the following changes;**
 - a) Any reference to ‘objector’ must be consistent with also reference to ‘supporter’ in the Public Speaking at Planning Committee section of the Constitution;**
 - b) Point 1.2 be re-worded to read “The number of objectors or supporters required, *in contrary to the Officers recommendation*, before a planning application qualifies for public speaking at the Planning Committee is five (5).”**
 - c) Amend point 3.9 and any other reference to read “Only one representor of the objectors or supporters/*applicant* will be allowed to make an oral representation.”**
- (ii) authority already delegated to the Monitoring Officer to make minor amendments to the Constitution, including amendments to references within the document and section numbering, be noted; and**
- (iii) the Monitoring Officer be instructed to make the agreed changes to the Constitution.”**

STANDARDS AND AUDIT COMMITTEE – 23 NOVEMBER 2023

AMENDMENTS TO CONSTITUTION – CORPORATE PRESS AND MEDIA PROTOCOL

Executive Summary

Woking Borough Council does not currently have a Corporate Press and Media Protocol. A Protocol is required to establish good practice regarding the management of media relations at the Council, especially following government intervention in May 2023. The Protocol will ensure that the the Council uses its marketing communications resources to support open, accessible, and responsive communications.

The Protocol sets out the roles and responsibilities of the marketing communications team in managing media relations and ultimately the reputation of the Council. Importantly, the Protocol sets out the procedures and processes when proactively and reactively dealing with the media. It will apply to members of the Executive and Council Officers who may be contacted by local, regional, national or specialist media, and covers print, digital and broadcast media.

The Protocol, attached as Appendix 1, was considered at the meeting of the Corporate Governance Working Group held on 11 October 2023 and it was agreed to recommend the amendments to the Standards and Audit Committee for recommendation thereon to Council at its meeting on 30 November 2023. An extract from the minutes of the meeting is set out below, with the recommendations from the Working Group beneath:

“6. Media Protocol

The Chairman welcomed Andy Denner to the meeting for the item on the Media Protocol and noted that the supplementary report contained amendments requested following consultation with the Commissioners. The Protocol was required to establish good practice regarding the management of media relations at the Council and took account of the Government intervention from May 2023.

Andy stated that information would be added to the start of the document to highlight that the Protocol would not apply to Councillors' rights to publish comments and speak to the press as they see fit, as suggested by the Chairman. The Council's Social Media policy would also be able to provide guidance to Members and it was stated that it was not for officers to deal with that activity, unless a formal complaint against a Councillor was received under the Members' Code of Conduct.

The Group was advised that complaints had been made in the past by some residents regarding social media posts from Planet Woking, which was now being looked after by Green Infrastructure and Marketing Communications following the cessation of the contract with an external agency.

It was noted that social media would also assist with extending the reach of public consultations undertaken by the Council.

The Group agreed the recommendations.”

Recommendations

The Committee is requested to:

RECOMMEND TO COUNCIL That

- (i) the Corporate Press and Media Protocol (Appendix 1) be adopted;**

Amendments to Constitution – Corporate Press and Media Protocol

- (ii) the authority delegated to the Monitoring Officer to make minor amendments to the Constitution be noted, including amendments to references within the document and section numbering; and
- (iii) the Monitoring Officer be instructed to make the agreed changes to the Constitution.

The item(s) above will need to be dealt with by way of a recommendation to Council.

Background Papers: None.

Reporting person: Andy Denner, Marketing Communications Manager
Email: andy.denner@woking.gov.uk, Extn 3026

Contact Person: Andy Denner, Marketing Communications Manager
Email: andy.denner@woking.gov.uk, Extn 3026

Date Published: 15 November 2023

Amendments to Constitution – Corporate Press and Media Protocol

1.0 Introduction

- 1.1 The Council must comply with the publicity provisions set out in the Local Government Act 1986. Section 2 of the Act places a prohibition upon Councils that they "shall not publish any material which, in whole or in part, appears to be designed to support a political party".
- 1.2 In addition, Councils are required by Section 4 of the act to have regard for the [Code of Recommended Practice on Local Authority Publicity](#) when making any decision on publicity.
- 1.3 A Protocol is required to establish good practice regarding the management of media relations at the Council, especially following government intervention in May 2023.

2.0 Corporate Press and Media Protocol

- 2.1 The Protocol will ensure that the the Council uses its Marketing Communications resources to support open, accessible, and responsive communications.
- 2.2 It sets out the roles and responsibilities of the marketing communications team in managing media relations and ultimately the reputation of the Council. Importantly, the Protocol sets out the procedures and processes when proactively and reactively dealing with the media.
- 2.3 It will apply to Councillors and Council Officers who may be contacted by local, regional, national or specialist media, and covers print, digital and broadcast media.
- 2.4 The Protocol also ensures that the Commissioner team has the appropriate oversight and opportunity to review and provide comment on press releases and public statements before they are issued to the media.
- 2.5 Adherence to the Protocol will ensure consistency of standards, accuracy of information and appropriate political and officer input with a view to protecting and enhancing the reputation of Woking Borough Council.

3.0 Implications

Finance and risk

- 3.1 There are no financial implications.
- 3.2 There are no risk management issues arising from this report.

Equalities and Human Resources

- 3.3 There are no equalities or human resource implications associated with this report.

Legal

- 3.4 Legal Services have been consulted and have not raised any concerns.

6.0 Engagement and Consultation

- 6.1 Discussions have been made with the Chief Executive, Leader of Woking Borough Council and Commissioner Team.

REPORT ENDS

Corporate Press and Media Protocol

November 2023

Shaping the *future*
of our borough



Content

1. Introduction and context
 2. Legal framework and the code
 3. Marketing communications team
 4. Media relations
 5. Proactive media relations
 6. Responding to the media
 7. Councillor media contact
 8. Commissioning team approval process
 9. Negative media
 10. Publicity during election periods
- Appendix 1 – Proactive media relations
- Appendix 2 – Responding to the media

1. Introduction and context

- 1.1 This media protocol has been published to establish good practice regarding the management of media relations at Woking Borough Council.
- 1.2 Following government intervention in May 2023, this protocol reflects the critical role that the government-appointed Commissioner team has in the approval of council media relations.
- 1.3 The aim of this protocol is to ensure that Woking Borough Council uses its marketing communications resources to support open, accessible, and responsive communications, whilst acknowledging that council resources may not be used for party political purposes.
- 1.4 The protocol applies to members of the Executive when responding on behalf of Woking Borough Council and council officers who may be contacted by local, regional, national or specialist media, and covers print, digital and broadcast media.
- 1.5 The content of this protocol does not impinge on an elected councillor's right to post, publicise or make comment to the media.
- 1.6 Adherence to the protocol will ensure consistency of standards, accuracy of information and appropriate political and officer input with a view to protecting and enhancing the reputation of Woking Borough Council.
- 1.7 Given that not all situations can be covered in detail, this protocol is designed to be as flexible as possible.

2. Legal framework and the code

- 2.1 Woking Borough Council must comply with the publicity provisions set out in the Local Government Act 1986.
- 2.2 The term 'publicity' is defined in the act as "any communication in whatever form, addressed to the public at large or a section of the public."
- 2.3 Section 2 of the act places a prohibition upon councils that they "shall not publish any material which, in whole or in part, appears to be designed to support a political party".
- 2.4 In addition, councils are required by Section 4 of the act to have regard for the [Code of Recommended Practice on Local Authority Publicity](#) when making any decision on publicity.
- 2.5 The code provides seven guiding principles that council publicity should follow.
 - Be lawful.
 - Be cost effective.
 - Be objective.
 - Be even handed.
 - Be appropriate.
 - Have regard to equality and diversity.

- Be issued with care during periods of heightened sensitivity.

2.6 The code also gives recommended practice on aspects of publicity covering subject matter, costs, content, dissemination, advertising, recruitment advertising, publicity about individual members of an authority, timing of publicity, elections, referendums and petitions, and assistance to others for publicity.

3. Marketing communications team

3.1 The marketing communications team provides a proactive and reactive media liaison service, as well as advice and support to all council service areas and members of the Executive.

3.2 Providing a professional information service to the media is a key responsibility.

3.3 The team operates during normal office hours and, in addition, during important out of hours events such as elections, council-led events and at times of crisis. There is no formal out of hours service.

3.4 Its main roles are to manage and maintain relationships and reputation, as well as promote proactive publicity on council policy, services and initiatives, partnerships, achievements and other issues affecting the council and the borough.

3.5 In addition, the team monitors and logs coverage of Woking Borough Council in the media.

3.6 The marketing communications team should be the first point of contact for all media enquiries and all outgoing publicity or potential promotional opportunities with the media.

3.7 The team's expertise and knowledge ensures opportunities for proactive positive news are maximised and negativity is mitigated and managed wherever possible.

3.8 To maintain a good working relationship, the team must be trusted by the media and the wider community. It will never knowingly mislead the media on a story.

3.9 The council's communication resources must not be used to affect, or be designed to affect, public support for a political party or to provide a political advantage to any one councillor.

4. Media relations

4.1 The media plays an important role in publicly holding the council accountable for their actions to the people it serves.

4.2 Positive media coverage supports the reputation of Woking Borough Council.

- 4.3 The council values the role the media and is committed to developing strong professional and positive working relationships with local, regional, and national media.
- 4.4 The council is committed to transparency and will take a proactive approach wherever possible when dealing with the media.
- 4.5 The way the council is portrayed in the media has a major influence on how it is perceived, and every opportunity should be taken to publicise the council's services, decisions, policies, and initiatives.
- 4.6 Council officers should support the marketing communications team with media relations. Failure to do so risks the council's reputation and could lead to the circulation of misinformation.
- 4.7 Officers contacted by members of the media should immediately refer them to the marketing communications team. Officers should never give their opinion on specific council policy.
- 4.8 Statements, press releases or press notices must not be issued to the media on behalf of Woking Borough Council without prior approval of the marketing communications team.

5. Proactive media relations

- 5.1 Proactive news will be issued to the media in the form of press releases. All content will follow a corporate style appropriate for the targeted audience and will accurately reflect the corporate view of Woking Borough Council.
- 5.2 Press releases on behalf of Woking Borough Council will:
- be concerned only with matters that relate to the council's services, functions and strategic objectives
 - not contain anything of a political nature
 - adhere to relevant legislation concerning publicity issued by local authorities, especially around election time
 - include an approved quote from the appropriate Portfolio Holder, Leader/Deputy or in some instances CLT member.
- 5.3 All press releases will be drafted by the marketing communications team in collaboration with the relevant technical officer.
- 5.4 When drafted approval must be sought from the relevant technical officer and quoted councillor within a specific timeframe. This is to enable the timely distribution of news to the media.
- 5.5 When a response is not received, approval will be escalated to the Leader/Deputy and/or relevant CLT member.
- 5.6 Councillor quotes will never be issued without prior consent.
- 5.7 When issuing proactive media relations approval of the commissioner team must also be sought.

5.8 Once approved, press releases will be issued to a centrally held list of media contacts which includes local and regional media, residents' associations and other interested parties.

5.9 Press releases will also be published on the council's website, promoted through relevant social media channels and issued via the council's email newsletter when appropriate. A central record of issued press releases will be maintained.

5.10 Please refer to Appendix 1 for a flow diagram outlining the approvals process.

5.11 Press notices

5.11.1 In certain cases, it is appropriate to issue a press notice.

5.11.2 These are short, factual statements, such as a brief announcement or notice.

5.11.3 Press notices do not require an officer or councillor quote.

5.11.4 Approval is only required from the technical officer.

6. Responding to the media

6.1 The marketing communications team is the recognised first point of contact for all media enquiries.

6.2 Council officers should refer all media enquiries to the marketing communications team. They must not respond directly to the media.

6.3 The marketing communications team will make a judgement about how an enquiry should be answered. This will usually take the form of a written statement. In certain instances, it is appropriate to participate in an interview.

6.4 Please refer to Appendix 2 for a flow diagram outlining the approvals process.

6.5 Written responses

6.5.1 Written responses will be drafted by the marketing communications team in conjunction with the relevant technical officer.

6.5.2 In the first instance the relevant Portfolio Holder or Leader/Deputy will be quoted.

6.5.3 Senior officers will only be quoted where a member of the public would reasonably expect an operational officer perspective, such as when:

- there is a need to respond extremely quickly in changing circumstances to maintain the flow of information to the public
- specific technical information is being explained

- there is a legal aspect to the comment which would benefit from attribution to an officer rather than a councillor.

6.5.4 Approvals will follow the same process set out in paragraphs 5.4, 5.5 and where necessary paragraph 5.7.

6.5.5 In the event that neither the relevant Portfolio Holder, Leader/Deputy or CLT member is unavailable, an appropriate technical officer will approve the quote attributed to a 'council spokesperson'.

6.6 Media interviews

6.6.1 In certain circumstances it is in the council's interest to participate in a media interview. This will either be a pre-recorded or live interview over the phone or in person.

6.6.2 The spokesperson will be the relevant Portfolio Holder or Leader/Deputy. In some instances, as outlined in paragraph 6.4.3, it is appropriate for senior officers to act as spokespeople.

6.6.3 The marketing communications team will provide the nominated spokesperson with agreed key lines and messages.

6.6.4 Spokespeople should have undertaken some degree of media training before participating in any interview. It is recommended all spokespeople have attended council-approved media training.

6.7 Media briefings

6.7.1 When announcing significant council news it may be beneficial to host a briefing for members of the media.

6.7.2 The marketing communications team will organise the briefing, invite key media contacts and prepare briefing notes containing agreed key lines/messages.

6.8 Public speaking

6.8.1 Council officers should be aware that appearances, speeches or presentations at public events may be reported by the media.

6.8.2 Council officers must seek prior approval before accepting invitations to participate in professional/sector events, such as being a panel member at a conference.

6.8.3 Council officers should refer such invitations to the marketing communications team who will make a judgement about their participation in collaboration with the Chief Executive.

6.8.4 Where participation is agreed, the marketing communications team will support the officer with key lines and messages.

7. Councillor media contact

- 7.1 In their role as community representatives, councillors are entitled to contact and make comment directly to the media.
- 7.2 Where members of the Executive make comment to the media on council-related business, councillors are asked to inform the marketing communications team for media monitoring purposes.
- 7.3 In such instances it is recommended that Executive members contact the marketing communications team who can provide advice and support before responding to the media.

8. Commissioner team approvals process

- 8.1 It is critical that the Commissioner team has the opportunity to review and provide comment on press releases and public statements before they are issued to the media.
- 8.2 The press release/statement will be sent to the Commissioner team for their approval within a specific timeframe. This is to enable the timely distribution of news to the media.
- 8.3 If the marketing communications team does not hear back from the Commissioner team approval will be deferred to the Chief Executive.
- 8.4 Only once approved by both the Leader/Deputy and the Commissioner team will press release/statements be issued to the media.
- 8.5 If there is doubt about what is or is not in scope, please refer to the Commissioner Team's Chief of Staff.

9. Negative media

- 9.1 It is critical to the reputation of Woking Borough Council to respond to negative issues. It is important that these situations are managed carefully to limit the potential for negative publicity.
- 9.2 Officers must alert the marketing communications team as soon as possible to any potential negative issue which may attract media interest. Officers should not wait until contact is made by the media.
- 9.3 When preparing a response, the following strategy will be followed.
 - Where the council has made an error, it will explain what went wrong and what it is doing to put it right. It will not be defensive but take the attitude that it can learn from its mistakes.
 - Where the media has made a substantial mistake in reporting council activities, the council will robustly explain the mistake to the media and seek a right of reply.

9.4 Approvals will follow the same process set out in paragraphs 5.4, 5.5 and where necessary paragraph 5.7.

9.5 Correcting inaccurate reporting

9.5.1 Should the media publish/broadcast an inaccuracy relating to council business, policy or process, a prompt decision will be taken on any action necessary to correct it.

9.5.2 The issue will be discussed with the Leader/Deputy and/or the Chief Executive to agree a plan of action.

9.5.3 It should be noted that in the case of minor inaccuracies which have little or no impact on the message being conveyed, it can be counterproductive to complain. Each case must be judged individually.

10. Publicity during election periods

10.1 In the period between the notice of an election and the election itself, all proactive publicity about candidates or other politicians is halted. This applies to local and national elections. This is known as the pre-election period.

10.2 The Code of Recommended Practice on Local Authority Publicity makes clear that particular care should be taken in periods of heightened sensitivity, such as in the run up to an election.

10.3 The code recommends that councils should generally not issue any publicity which seeks to influence voters and that publicity relating to individuals involved directly in the election should not be published unless expressly authorised by statute.

10.4 What this means in practice.

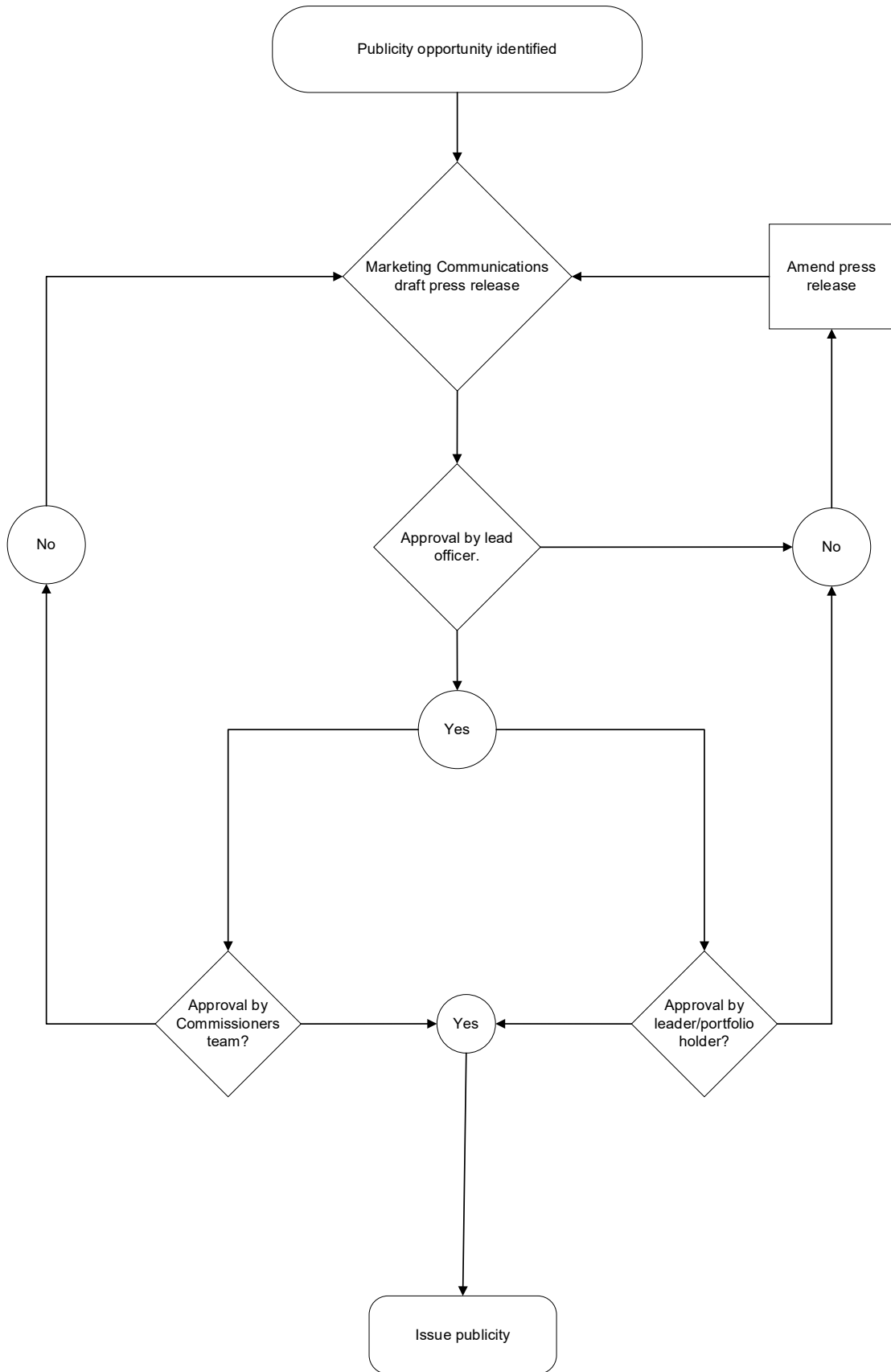
- The primary restriction is on proactive publicity by the council which particularly relates to candidates and other politicians involved directly in the election.
- The council can still issue media releases on factual matters provided that these do not identify individual councillors or groups of councillors.
- Councillors are still free to respond to enquiries received from the media in a personal capacity.
- Individual councillors can issue their own statements, write letters for publication to the media, contact the media directly or say what they like in a personal capacity, but must not use council resources to do so.

10.5 It is still possible for the council to issue statements on behalf of a councillor holding a key political or civic position provided it relates to important events which are outside the council's control and can be shown to

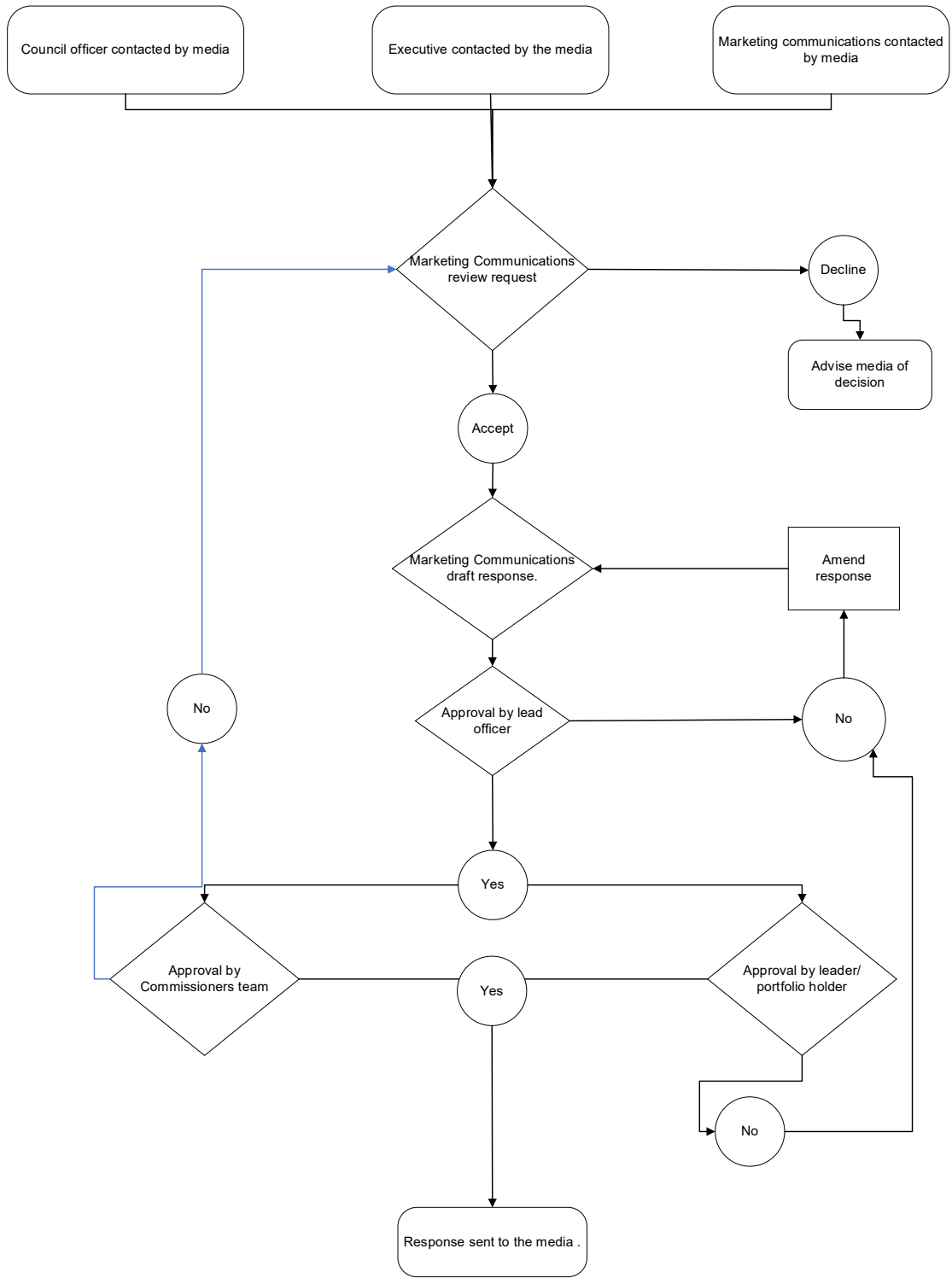
justify a councillor response. These occasions are likely to be rare and to be the exception, rather than the rule.

10.6 Where a quote is required during the pre-election period, the relevant officer may be quoted.

Appendix 1 – Proactive media relations



Appendix 2 – Responding to the media



STANDARDS AND AUDIT COMMITTEE – 23 NOVEMBER 2023

AMENDMENTS TO CONSTITUTION – URGENT BUSINESS

Executive Summary

There is currently no process set out in the Constitution for dealing with items of Urgent Business. This report therefore proposes the adoption of a new section in the Constitution. Urgency is usually defined as a decision which cannot reasonably be delayed or deferred.

Following reference to the Local Government Act 1972, the proposed new section is set out in Appendix 1 and will be added to Part 4 (Section 1) of the Constitution, namely Standing Orders, under Subsection 9. References to other sections within the Constitution will be added where appropriate once the proposed revisions have been agreed by Council.

The addition set out in this report will have the effect of providing clarity and certainty for the management of items raised as Urgent Business.

The proposal was considered at the meeting of the Corporate Governance Working Group held on 11 October 2023 and it was agreed to recommend the amendments to the Standards and Audit Committee for recommendation thereon to Council at its meeting on 30 November 2023. An extract from the minutes of the meeting is set out below, with the recommendations from the Working Group beneath:

“7. Provisions for Urgent Business.

Members welcomed the proposed definition of Urgent Business at meetings of the Council to be added to the Constitution, which would be referred to in the event of a request for Urgent Business being received. It was noted that there was currently no process set out in the Constitution for dealing with these items. Members of the Working Group supported the proposed wording.”

Recommendations

The Committee is requested to:

RECOMMEND TO COUNCIL That

- (i) the section on Urgent Business (Appendix 1) be added to the Council’s Constitution under Section 1 of Part 4;**
- (ii) the authority delegated to the Monitoring Officer to make minor amendments to the Constitution be noted, including amendments to references within the document and section numbering; and**
- (iii) the Monitoring Officer be instructed to make the agreed changes to the Constitution.**

The item(s) above will need to be dealt with by way of a recommendation to Council.

Amendments to Constitution – Urgent Business

Background Papers: None.

Reporting Person: Gareth John, Interim Director of Legal and Democratic Services / Monitoring Officer
Email: gareth.john@woking.gov.uk, Extn 3077

Contact Person: Frank Jeffrey, Head of Democratic Services
Email: frank.jeffrey@woking.gov.uk, Extn 3012

Date Published: 15 November 2023

1.0 Introduction

- 1.1 There is currently no process set out in the Constitution for dealing with items of Urgent Business. This report therefore proposes the adoption of a new section in the Constitution. Urgency is usually defined as a decision which cannot reasonably be delayed or deferred.
- 1.2 The next section will be added to Part 4 (Section 1) of the Constitution, namely Standing Orders, under Subsection 9. References to other sections within the Constitution will be added where appropriate once the proposed revisions have been agreed by Council.
- 1.3 The 1972 Local Government Act states that:

“An item of business may not be considered at a meeting of a principal council unless either—

- (a) a copy of the agenda including the item (or a copy of the item) is open to inspection by members of the public for at least five clear days before the meeting or, where the meeting is convened at shorter notice, from the time the meeting is convened; or
- (b) by reason of special circumstances, which shall be specified in the minutes, the Chairman of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency.”

2.0 Proposed Addition to the Constitution

<p>1.0 Urgent Business</p> <p>1.1 When an urgent matter has arisen after the despatch of an appropriate agenda (i.e. of the Council, the Executive, Overview and Scrutiny Committee, a Committee or Sub Committee that has the power to consider the matter) the following procedure applies.</p> <p>Agreeing an Item of Urgent Business</p> <p>1.2 The Mayor or Chairs, in consultation with the Monitoring Officer, have the authority to agree to take urgent items of business, not on the agenda, at their respective meetings.</p> <p>1.3 The general authority referred to above is qualified in that items of business should not be raised at meetings without prior notice being given on the appropriate agenda unless:</p> <ul style="list-style-type: none">(a) the item has arisen between the compilation of the agenda and the date of the meeting; and(b) the item requires an urgent decision in the public interest which cannot be dealt with by other means. <p>1.4 In all cases the reason for the urgency shall be clearly stated and recorded. When there is a good reason why the decision cannot wait until the next ordinary meeting of the Council, the Executive or the appropriate Committee</p>

Amendments to Constitution – Urgent Business

or Sub Committee having the power to determine the matter, the alternative procedures apply (1.5 to 1.10).

Special Meeting

- 1.5 A special meeting of the Council, Executive, Overview and Scrutiny Committee, Committee or Sub Committee can be called.
- 1.6 The urgent matter to be considered may mean that the meeting has to be convened with less than five clear days' notice. Provision exists for this to happen under the Local Government Act 1972 (as amended).

Urgent Non-Executive Committee And Council Functions

- 1.7 The Chief Executive or appropriate Director has been delegated authority to take a decision which would normally be taken by a Committee or Sub Committee, or the Council, provided that:
- (i) the matter is urgent;
 - (ii) the decision is within Council policy;
 - (iii) the action is taken after consultation with the Chair or Vice-Chair of the Committee and the Group Leaders; and
 - (iv) the action is reported for the information of the next available meeting of the appropriate Committee or Sub Committee or the Council.

Urgent Executive Decisions

- 1.8 An executive decision may be taken by an Executive Member on an urgent matter within their portfolio, provided that the provisions of Access to Information Rules are followed (Section 6 of Part 4).

Emergency Arrangements

- 1.9 The Chief Executive is authorised to undertake any action they consider appropriate to address situations where it is neither practicable nor possible to effect the Council's normal procedures or arrangements for either executive or non-executive business. The action taken will be recorded and subsequently reported to the first available ordinary meeting of the relevant body (Part 3, Section 3).

Absence Procedure

- 1.10 In the absence of any of the Executive Members, Chairs or Officers referred to in any of the above Urgency Rules, the urgent or emergency action described may be taken by a nominated deputy of the Councillor or Officer. Any reference in the Constitution to the Leader of the Council, Chair of the Overview and Scrutiny Committee, Committee or Sub-Committee or any other office held by a Member of the Council, or to a named Officer, shall be taken also to refer to any nominated deputy (or deputy where specified in the Constitution) in that role. Any such nominated deputy is hereby authorised to act fully in the role, subject to any specific statutory provision.

3.0 Implications

Finance and Risk

- 3.1 There are no financial or risk implications arising from this report or its recommendations.

Equalities and Human Resources

- 3.2 There are no equalities or Human Resources implications arising from this report or its recommendations.

Legal

- 3.3 There are no legal implications arising from this report or its recommendations, which are in-line with the provisions of the 1972 Local Government Act.

4.0 Engagement and Consultation

- 4.1 The Corporate Governance Working Group has been consulted on these proposals with a view to recommending accordingly to Council. The Leader of the Council has been consulted on the report.

REPORT ENDS

Urgent Business – Proposed Addition

Urgent Business

- 9.1 When an urgent matter has arisen after the despatch of an appropriate agenda (i.e. of the Council, the Executive, Overview and Scrutiny Committee, a Committee or Sub Committee that has the power to consider the matter) the following procedure applies.

Agreeing an Item of Urgent Business

- 9.2 The Mayor or Chairs, in consultation with the Monitoring Officer, have the authority to agree to take urgent items of business, not on the agenda, at their respective meetings.
- 9.3 The general authority referred to above is qualified in that items of business should not be raised at meetings without prior notice being given on the appropriate agenda unless:
- (a) the item has arisen between the compilation of the agenda and the date of the meeting; and
 - (b) the item requires an urgent decision in the public interest which cannot be dealt with by other means.
- 9.4 In all cases the reason for the urgency shall be clearly stated and recorded. When there is a good reason why the decision cannot wait until the next ordinary meeting of the Council, the Executive or the appropriate Committee or Sub Committee having the power to determine the matter, the alternative procedures apply (1.5 to 1.10).

Special Meeting

- 9.5 A special meeting of the Council, Executive, Overview and Scrutiny Committee, Committee or a Sub Committee can be called.
- 9.6 The urgent matter to be considered may mean that the meeting has to be convened with less than five clear days' notice. Provision exists for this to happen under the Local Government Act 1972 (as amended).

Urgent Non-Executive Committee And Council Functions

- 9.7 The Chief Executive or appropriate Director has been delegated authority to take a decision which would normally be taken by a Committee or Sub Committee, or the Council, provided that:
- (i) the matter is urgent;
 - (ii) the decision is within Council policy;
 - (iii) the action is taken after consultation with the Chair or Vice-Chair of the Committee and the Group Leaders; and
 - (iv) the action is reported for the information of the next available meeting of the appropriate Committee or Sub Committee or the Council.

Urgent Executive Decisions

- 9.8 An executive decision may be taken by an Executive Member on an urgent matter within their portfolio, provided that the provisions of Access to Information Rules are followed (Section 6 of Part 4).

Emergency Arrangements

- 9.9 The Chief Executive is authorised to undertake any action they consider appropriate to address situations where it is neither practicable nor possible to effect the Council's normal procedures or arrangements for either executive or non-executive business. The action taken will be recorded and subsequently reported to the first available ordinary meeting of the relevant body (Part 3, Section 3).

Absence Procedure

- 9.10 In the absence of any of the Executive Members, Chairs or Officers referred to in any of the above Urgency Rules, the urgent or emergency action described may be taken by a nominated deputy of the Councillor or Officer. Any reference in the Constitution to the Leader of the Council, Chair of the Overview and Scrutiny Committee, Committee or Sub-Committee or any other office held by a Member of the Council, or to a named Officer, shall be taken also to refer to any nominated deputy (or deputy where specified in the Constitution) in that role. Any such nominated deputy is hereby authorised to act fully in the role, subject to any specific statutory provision.

STANDARDS AND AUDIT COMMITTEE – 23 NOVEMBER 2023

AMENDMENTS TO THE CONSTITUTION – QUESTIONS FROM MEMBERS OF THE PUBLIC

Executive Summary

Earlier this year, the Council adopted the newly revised Constitution. Included in the Constitution for the first time was the facility for Members of the Public to submit questions direct to Council. Having operated now for some months, the arrangements for questions have been reviewed based on experience and feedback.

This report therefore proposes a series of changes to the way in which the facility operates and recommends changes to the Constitution which would have the effect of improving the process for Members of the Public. The proposed amendments are set out in paragraph 2.0 of the report, with the amended section (Appendix 1) being added to Part 4 (Section 1) of the Constitution, namely Standing Orders, under Subsection 12.

The proposed changes seek to enhance the Council's arrangements for questions from Members of Public to meetings of Council, and take into account the experiences of Officers since the option for Questions was introduced.

The proposal was considered at the meeting of the Corporate Governance Working Group held on 11 October 2023 and it was agreed to recommend the amendments to the Standards and Audit Committee for recommendation thereon to Council at its meeting on 30 November 2023. An extract from the minutes of the meeting is set out below, with the recommendations from the Working Group beneath:

“8. Questions from Members of Public.

Frank reported that the arrangements for questions submitted by members of the public being received at Full Council meetings had been in operation since towards the start of the year and as such had been reviewed based on experience and feedback. It was proposed that a series of changes be adopted as set out in paragraph 2.1 of the report.

Members welcomed the report and considered whether the arrangements should be amended to permit the questioner to ask a supplementary question, noting that a standard response such as undertaking to provide a written response outside of the meeting could be provided by the Leader or Portfolio Holder. It was agreed that the recommendation be amended to include one supplementary question at meetings of Full Council.

The intention was to expand the facility on the Council's website to enable members of the public to select which Committee (or Full Council) meeting the question should be submitted to, along with the question and whether they intended to attend.

The arrangements for the Overview and Scrutiny Committee were raised and noted to be a possible topic for consideration at a future meeting.

The Group agreed the recommendations.”

Following the amendment to enable questioners to ask one supplementary question at Full Council meetings, Appendix 1 sets out below contains wording to accommodate the change.

Amendments to the Constitution – Questions from Members of the Public

Recommendations

The Committee is requested to:

RECOMMEND TO COUNCIL That

- (i) the existing section on Questions from Members of the Public (Appendix 1) in the Council's Constitution be updated under Section 1 of Part 4;
- (ii) the addition of any references within the new section to other sections within the Constitution be delegated to the Monitoring Officer as minor amendments; and
- (iii) the Monitoring Officer be instructed to make the agreed changes to the Constitution.

The item(s) above will need to be dealt with by way of a recommendation to Council.

Background Papers: None.

Reporting Person: Gareth John, Interim Director of Legal and Democratic Services / Monitoring Officer
Email: gareth.john@woking.gov.uk, Extn 3077

Contact Person: Frank Jeffrey, Head of Democratic Services
Email: frank.jeffrey@woking.gov.uk, Extn 3012

Date Published: 15 November 2023

Amendments to the Constitution – Questions from Members of the Public

1.0 Introduction

- 1.1 Earlier this year, the Council adopted the newly revised Constitution. Included in the Constitution for the first time was the facility for Members of the Public to submit questions direct to Council. Having operated now for some months, the arrangements for questions have been reviewed based on experience and feedback.
- 1.2 This report therefore proposes a series of changes to the way in which the facility operates and recommends changes to the Constitution which would have the effect of improving the process for Members of the Public.

2.0 Proposed Provision

- 2.1 Set out below is the proposed wording for the Constitution. The changes include:
- Removing/clarifying confusing statements;
 - Removing the requirements for the questioner to provide a personal address and identify a specific Councillor;
 - Add an explanation of the approach to be taken in the event a question is received after the deadline;
 - Changing the timeframe to provide sufficient time before the publication of the agenda to seek changes/clarification from the questioner if necessary.
 - Include reference to questions to the Overview and Scrutiny Committee, proposed elsewhere on the agenda.
 - Clarify the position on supplementary questions. Given the time limit at the meeting, it remains the Officers view that supplementary questions cannot be invited at the meeting.

12.0 Questions from Members of the Public

General

12.1 Meetings of the Council will allow for a period not exceeding 15 minutes during which time **questions from** members of the public **will be responded to by may ask** the Leader, **Portfolio Holders** or **Committee/Sub-Committee** Chairs **questions relating to matters over which the Council has powers or duties, or which affect the Borough.**

12.2 Questions may be put to the Council by any individual that lives, works, or studies in the Borough.

12.3 **Questions may be on any matter over which the Council has powers, duties of the Council, or subjects affecting the Borough.**

Number of Questions

12.4 A member of the public may not submit more than 3 questions for any Council meeting.

Order of Questions

- 12.5 Questions will be asked in the order received, except that the Mayor may group together similar questions. ~~If more than two questions are submitted by the same person, the third question shall be moved to the end of the agenda item.~~

Notice of Questions

- 12.6 A question may only be asked if notice has been given by delivering the question in writing to the Chief Executive no later than 12 noon ~~seven~~ eight working days prior to the day of the Council meeting. Each question must give the name ~~and address~~ of the questioner ~~and indicate the Councillor to whom it is to be put.~~

- 12.6 Any questions received after the deadline will, according to the preference of the individual asking the question, either be:

- (i) responded to outside of the Council meeting; or
- (ii) deferred to the next available Ordinary Meeting of Council.

Length of Questions

- 12.67 No question shall exceed 100 words in length in order to allow all members of the public submitting questions to have a fair and equitable opportunity to ask their question(s) within the time allotted as stipulated at Standing Order 12.1. ~~The~~ Each question may be accompanied by a statement of context which must not exceed 250 words ~~and must be clearly separated from the text of the question.~~ The ~~statement of context and the question~~ question and the statement of context will be included in the agenda of the meeting.

- 12.78 The Chief Executive, or their representative, shall request that a question exceeding 100 words in length is re-submitted to meet this requirement, ~~within one working day of the request being made.~~ The amended question must be received no later than 12 noon seven working days prior to the day of the Council meeting.

- 12.89 Any question that fails to be re-submitted in accordance with Standing Order 12.68 will receive a written response only within 5 working days of the Council meeting for which it was submitted.

Scope of Questions

- 12.910 The Chief Executive, or their representative, may reject a question if it:
- (i) is a matter about which the Council has no responsibility, nor affects the Borough;
 - (ii) is defamatory, frivolous, or offensive;
 - (iii) requires the disclosure of confidential or exempt information; or
 - (iv) is the same or very similar to a question that has been submitted to a meeting of ~~Full~~ Council, the Executive ~~or the Overview and Scrutiny Committee~~, or a topic reviewed by the Overview and Scrutiny Committee

Amendments to the Constitution – Questions from Members of the Public

within the past six months.

Record of Questions

12.4011 The Chief Executive will keep a record of each question and will, on receipt, send a copy of the question to the Councillor Portfolio Holder to whom it is to be put. Rejected questions will include reasons for rejection. Questions (and statements of context), including those dealt with under Standing Order 12.412, and the answers given will be recorded in the minutes of the meeting.

Asking the Question at the Meeting

12.12 A member of public may attend the meeting of Council to formally ask the question.

12.413 The Mayor will invite the questioner to put the question to the Councillor named in the notice. If a questioner who has submitted a written question is unable to be present, they may ask the Mayor to put the question on their behalf. The Mayor will direct the Council to the question set out in the Agenda Report and invite the relevant Portfolio Holder to read out the Council's response. ~~The Mayor may ask the question on the questioner's behalf and indicate that a written reply will be given or decide, in the absence of the questioner, that the question will not be dealt with. No supplementary questions will be allowed.~~

Supplementary Questions

12.13 Once the question from the member of public and the reply from the relevant Portfolio Holder have been heard by Council, the Mayor will provide the member of public with the opportunity to ask one supplementary question to the Portfolio Holder, who will provide a reply verbally during the meeting or state that the Council will provide a written response within seven working days of the meeting. In addition, the questioner may submit a question, or a single set of supplementary questions, following the meeting, to which written responses will be drawn up in consultation with the relevant Portfolio Holder and sent to the questioner within seven working days of the receipt of the question or the set of supplementary questions.

~~Written Answers Questions Not Answered During the Allotted Time~~

12.4214 Any question(s) that cannot be dealt with during the time allotted for public questions, ~~either due to lack of time, or the non-attendance of the Councillor to whom it was to be put, or because not all the information was available,~~ shall be dealt with by a written response. ~~responded to in writing.~~ The response will be drawn up in consultation with the relevant Portfolio Holder and sent to the questioner within seven working days of the Council meeting.”

3.0 Implications

Finance and Risk

Amendments to the Constitution – Questions from Members of the Public

- 3.1 There are no financial or risk implications arising from this report or its recommendations.

Equalities and Human Resources

- 3.2 Due consideration has been given to those unable to attend the meetings in-person and accordingly the proposals seek to make the process more accessible. There are no human resources implications arising from this report or its recommendations.

Legal

- 3.3 There are no legal implications arising from the recommendations, which are in-line with the 1972 Local Government Act.

4.0 Engagement and Consultation

- 4.1 The Corporate Governance Working Group has been consulted on these proposals with a view to recommending accordingly to Council. The Leader of the Council has been consulted on the report.

Amendments to the Constitution – Questions from Members of the Public

Background Papers: None.

Reporting Person: Frank Jeffrey, Head of Democratic Services
Email: frank.jeffrey@woking.gov.uk, Extn: 3012

Contact Person: Frank Jeffrey, Head of Democratic Services
Email: frank.jeffrey@woking.gov.uk, Extn: 3012

Date Published: 4 October 2023

REPORT ENDS

Revised Wording – Questions from Members of the Public

12.0 Questions from Members of the Public

General

- 12.1 Meetings of the Council will allow for a period not exceeding 15 minutes during which time questions from members of the public will be responded to by the Leader, Portfolio Holders or Committee Chairs.
- 12.2 Questions may be put to the Council by any individual that lives, works, or studies in the Borough.
- 12.3 Questions may be on any matter over which the Council has powers, duties of the Council, or subjects affecting the Borough.

Number of Questions

- 12.4 A member of the public may not submit more than 3 questions for any Council meeting.

Order of Questions

- 12.5 Questions will be asked in the order received, except that the Mayor may group together similar questions.

Notice of Questions

- 12.6 A question may only be asked if notice has been given by delivering the question in writing to the Chief Executive no later than 12 noon eight working days prior to the day of the Council meeting. Each question must give the name of the questioner.
- 12.6 Any questions received after the deadline will, according to the preference of the individual asking the question, either be:
- (i) responded to outside of the Council meeting; or
 - (ii) deferred to the next available Ordinary Meeting of Council.

Length of Questions

- 12.7 No question shall exceed 100 words in length in order to allow all members of the public submitting questions to have a fair and equitable opportunity to ask their question(s) within the time allotted as stipulated at Standing Order 12.1. Each question may be accompanied by a statement of context which must not exceed 250 words. The question and the statement of context will be included in the agenda of the meeting.
- 12.8 The Chief Executive, or their representative, shall request that a question exceeding 100 words in length is re-submitted to meet this requirement. The amended question must be received no later than 12 noon seven working days prior to the day of the Council meeting.

Amendments to the Constitution – Questions from Members of the Public

- 12.9 Any question that fails to be re-submitted in accordance with Standing Order 12.8 will receive a written response only within 5 working days of the Council meeting for which it was submitted.

Scope of Questions

- 12.10 The Chief Executive, or their representative, may reject a question if it:
- (i) is a matter about which the Council has no responsibility, nor affects the Borough;
 - (ii) is defamatory, frivolous, or offensive;
 - (iii) requires the disclosure of confidential or exempt information; or
 - (iv) is the same or very similar to a question that has been submitted to a meeting of Council, the Executive or the Overview and Scrutiny Committee, or a topic reviewed by the Overview and Scrutiny Committee within the past six months.

Record of Questions

- 12.11 The Chief Executive will keep a record of each question and will, on receipt, send a copy of the question to the Portfolio Holder to whom it is to be put. Rejected questions will include reasons for rejection. Questions (and statements of context), including those dealt with under Standing Order 12.12, and the answers given will be recorded in the minutes of the meeting.

Asking the Question at the Meeting

- 12.12 A member of public may attend the meeting of Council to formally ask the question.
- 12.13 The Mayor will invite the questioner to put the question to the Councillor named in the notice. If a questioner who has submitted a written question is unable to be present, they may ask the Mayor to put the question on their behalf. The Mayor will direct the Council to the question set out in the Agenda Report and invite the relevant Portfolio Holder to read out the Council's response.

Supplementary Questions

- 12.13 Once the question from the member of public and the reply from the relevant Portfolio Holder have been heard by Council, the Mayor will provide the member of public with the opportunity to ask one supplementary question to the Portfolio Holder, who will provide a reply verbally during the meeting or state that the Council will provide a written response within seven working days of the meeting. In addition, the questioner may submit a question, or a single set of supplementary questions, following the meeting, to which written responses will be drawn up in consultation with the relevant Portfolio Holder and sent to the questioner within seven working days of the receipt of the question or the set of supplementary questions.

Questions Not Answered During the Allotted Time

- 12.14 Any question(s) that cannot be dealt with during the time allotted for public questions shall be dealt with by a written response. The response will be drawn up in consultation with the relevant Portfolio Holder and sent to the questioner within seven working days of the Council meeting."

STANDARDS AND AUDIT COMMITTEE – 23 NOVEMBER 2023

SIGNING OFF OF ACCOUNTS: PRIOR AND CURRENT YEARS

Executive Summary

At previous meetings, the Committee has been made aware of the position regarding the outstanding audits of the Council's financial statements. The Council's last audited financial statements, audited by BDO, were for the financial year 2018/19.

For the financial year 2023/24, the Council's financial statements will be audited by the newly appointed external auditors, Grant Thornton ("GT"). BDO remain responsible for external audits for the financial years 2019/20, 2020/21, 2021/22, and 2022/23.

As part of the transition from BDO to GT, BDO have agreed to work with the Council to conclude all outstanding audits by the end of March 2024. This is subject to a suitable statutory framework being established by the National Audit Office (NAO) and Department for Levelling Up, Housing and Communities (DLUHC) that will enable local auditors to issue a disclaimed opinion on financial statements where the audit has not started, or a modified opinion where that audit is in progress but has not concluded. GT will commence work on their audit, specifically opening and closing balances, in January 2024.

This approach is aligned to expected announcements from the National Audit Office (NAO) and the Department for Levelling Up, Housing and Communities (DLUHC), where it is expected that they will announce a series of statutory deadlines for accounts preparers and auditors to clear the backlog of delayed local authority audits. In the absence of the confirmation of when it is expected the outstanding audits will need to be completed, the Council and Auditors have agreed to work to a March 2024 deadline. This may need to be revisited when the national dates are confirmed.

Recommendations

The Committee is requested to:

NOTE and PROVIDE ANY COMMENTS on

- (ii) the approach outlined in this report – where there is agreement for BDO to conclude all outstanding audits by the end of March 2024, subject to the caveat's noted around a suitable statutory framework being established; and
- (iii) GT will commence their external audit work in January 2024;

The Committee has the authority to determine the recommendation(s) set out above.

Background Papers:	None.
Reporting Person:	Eugene Walker, Interim Director of Finance / Section 151 Officer Email: eugene.walker@woking.gov.uk
Contact Person:	Eugene Walker, Interim Director of Finance / Section 151 Officer Email: eugene.walker@woking.gov.uk
Date Published:	15 November 2023

1.0 Introduction and background

- 1.1 The external auditor is required to carry out an in-depth examination of the annual statement of accounts and certify that it represents a 'true and fair' view of the financial position of the organisation. If an auditor finds material errors in the accounts or views them as misleading, they can 'qualify' them, which means that they publicly report on why accounts do not give a true and fair view.
- 1.2 In a local authority context, external audit is also very important in ensuring proper stewardship of public money; therefore, in councils, external auditors look not only at the financial statements but also at the financial aspects of how a council is managed. The external auditor must satisfy themselves that the accounts are prepared in accordance with regulations and accounting rules and that the council made proper arrangements for securing economy, efficiency and effectiveness in its use of resources. Auditors may report on their work to the general public and other key stakeholders.
- 1.3 In many local authorities across the country, there has been significant delays to these audits for a variety of reasons.
- 1.4 This report summarises the agreed approach between Woking Borough Council ("WBC" or "the Council") and its incoming (GT) and outgoing (BDO) external auditors, to clear the backlog of delayed audits, and make progress with their handover.

2.0 The agreed approach, MRP, and group companies

- 2.1 At a meeting held on 1st November 2023 between the S151 officer, lead finance commissioner, the BDO representative, and the GT representative, the following was agreed:
 - I. The needed adjustments in the Council's financial statements – namely items to do with Minimum Revenue Provision (MRP) - will be applied to the financial statements for the financial year 2023/24. BDO have previously reported that they have needed this confirmation to make progress to conclude the audits. The Council has now clarified its position on this matter to BDO.
 - II. BDO will work with the Council to conclude all outstanding audits (for the years 2019/20 - 2022/23) by 31st March 24. This is subject to a suitable statutory framework being established by the NAO and DLUHC that will enable local auditors to issue a disclaimed opinion on financial statements where the audit has not started, or a modified opinion where that audit is in progress but has not concluded. This is seen as a necessary step to progress the situation regarding the backlog of delayed audits. In the absence of the confirmation of when it is expected the outstanding audits will need to be completed, the Council and Auditors have agreed to work to an end of March 2024 deadline. This may need to be revisited when the national dates are confirmed. This is a position many Local Authorities will be in, due to the extent of the backlog.
 - III. GT will commence their work in January 2024, ahead of closure of accounts for the year ending March 2024. This will support the shared aim between the Council and GT of completing the audit for the 2023/24 financial year by the end of 2024. There is not anticipated to be a need for a file review at handover, to get assurances over opening balances, from BDO to GT as BDO will not have undertaken an audit of the 2022/23 financial year.

3.0 Work undertaken by the Department for Levelling Up, Housing and Communities (DLUHC) and the National Audit Office (NAO)

- 3.1 In July 2023, the Council received a letter from Lee Rowley MP, Parliamentary Under-Secretary of State for Local Government and Building Safety. The letter was regarding the backlog of local authority external audits.
- 3.2 This letter was followed up with a webinar by the Department for Levelling Up, Housing and Communities (DLUHC) on 1st August 2023.
- 3.3 The letter and statement make initial proposals for making progress on the backlog of audits. These proposals followed months of meetings with auditors and the Financial Reporting Council (FRC).
- 3.4 At the heart of the proposal, is that the National Audit Office (NAO) and DLUHC will set a series of statutory deadlines for accounts preparers and auditors to clear the backlog of delayed audits for financial years 2015/16 to present. Where necessary, it is intended that auditors would need to limit their opinion and make clear to the users of the accounts those aspects or sections of a set of accounts which are not supported by sufficient, appropriate evidence, and which the auditor is unable to provide assurance over.
- 3.5 The deadlines might mean that, for a number of local authorities, there will be unexpected qualifications and disclaimers of opinion. The government feels these steps are necessary to reset the system and to restore the assurance which is provided by timely annual audits.
- 3.6 Changes are being explored for both the code of audit and the code of practice for local authority accounting, and these discussions are ongoing, as at November 2023, with no resolution as of yet.
- 3.7 The outcome of all this work, consulting with local authorities and other stakeholders over the summer, is expected to be announced shortly.

REPORT ENDS

STANDARDS AND AUDIT COMMITTEE – 23 NOVEMBER 2023

HALE END COURT LEARNING POINTS

Executive Summary

At its meeting on 6 July 2023, the Committee received a report entitled 'Hale End Court – Audit Outcome' setting out the outcome of the Homes England Audit into the development and grant funding of Hale End Court. The project comprised of 48 Extra Care apartments for which the Council secured £1,973,504 in capital grant funding through Homes England's Shared Ownership and Affordable Homes Programme (SOAHP) 2016-2021.

The development had been selected by Homes England as part of its 2022/23 Compliance Audit Programme, which aims to provide assurance that organisations receiving grant funding have met Homes England requirements and funding conditions and have properly exercised their responsibilities as set out in its Capital Funding Guide.

The Homes England Compliance Audit report awarded a red grading, indicating serious failure to meet requirements. The areas of concern relate to:

- Secure legal interest and good title over the development land not being in place
- Data discrepancies over rent levels
- Premature claim for practical completion grant

It was agreed that a further brief report would be received at the next meeting of the Committee setting out reflections on how the learning points were being applied more broadly within the Council. Following agreement with the Chairman due to the level of work ongoing around the Council's Medium Term Financial Strategy, it was reported at the meeting on 21 September 2023 that the update report as requested by the Committee had been deferred to the current meeting.

The purpose of this update is to provide Members with reflections on how the learning points from the Hale End Court Audit by Homes England are being applied within the Council.

Recommendations

The Committee is requested to:

RESOLVE That the report be received.

The Committee has the authority to determine the recommendation(s) set out above.

Background Papers: None.

Reporting Person: Louise Strongitharm, Strategic Director – Communities
Email: louise.strongitharm@woking.gov.uk, Ext. 3599

Contact Person: Louise Strongitharm, Strategic Director – Communities
Email: louise.strongitharm@woking.gov.uk, Ext. 3599

Date Published: 15 November 2023

1.0 Introduction

- 1.1 Woking Borough Council applied to become an Investment Partner with Homes England, to facilitate securing grant funding, in July 2020 and were approved as an Investment Partner in September 2020.
- 1.2 Woking Borough Council subsequently received £1,973,504 in capital grant funding through the Homes England Shared Ownership and Affordable Homes Programme in October 2020 to deliver 48 apartments for extra care housing at Hale End Court.
- 1.3 Woking Borough Council, specifically Hale End Court, was selected for audit as part of the Homes England 2022-23 Compliance Audit Programme.
- 1.4 The audit sought to ensure that Woking Borough Council had met the requirements and responsibilities for grant recipients, as laid out in the Homes England Capital Funding Guide (CFG). Grant recipients must follow the requirements within the CFG to remain compliant in using grant for the purposes stated in their relevant grant agreement, maintaining proper records which comply with Homes England's terms and conditions of grant and providing relevant information to Homes England in accordance with the requirements of the grant conditions.
- 1.5 The Homes England Compliance Audit report awarded a red grading, indicating serious failure to meet requirements. The areas of concern relate to:
 - Secure legal interest and good title over the development land not being in place
 - Data discrepancies over rent levels
 - Premature claim for practical completion grant
- 1.6 An extract from the minutes of the Committee on 6 July 2023 is set out below.

“8. HALE END COURT - AUDIT OUTCOME STA23-006

Louise Strongitharm, Strategic Director – Communities, introduced the report containing the audit outcome of Hale End Court from Homes England. Louise advised that in July 2020 Investor Partner Status was secured with Homes England for secured funding of £2m towards affordable extra care homes at Hale End Court. Following a compliance audit requested by Homes England, four breaches had been identified; three of which were classed as high and one of which was classed as low. The two main learning points were that rents should have been updated as they had changed during the two year term of the project, and practical completion claims should have been submitted for the grant awards at the correct time.

The Chairman stated that the report made for sombre reading and it appeared that there could have been some failings in project management, adding that it was vital for the lessons learnt to be incorporated into day to day practice. Louise advised that the Council's full project management process had been followed.

It was agreed that a further brief report would be received at the next meeting of the Committee setting out reflections on how the learning points were being applied more broadly within the Council.

RESOLVED

- That (i) the Homes England Audit Report, as attached to the report, be accepted;

- (ii) the Strategic Housing and Development Manager be authorised to officially sign off the report with Homes England; and
- (iii) a further brief report would be received at the next meeting of the Committee setting out reflections on how the learning points were being applied within the Council.”

1.7 Following agreement with the Chairman due to the level of work ongoing around the Council’s Medium Term Financial Strategy, it was reported at the meeting on 21 September 2023 that the update report as requested by the Committee had been deferred to the current meeting.

2.0 Lessons Learnt

2.1 As a new Investment Partner, Hale End Court represented the Council’s first time registering and bidding for grant through Homes England’s Investment Management System (IMS) and delivering a new-build scheme through their grant regime.

2.2 The audit highlighted the need to constantly update scheme records on the Homes England IMS system to reflect changes. It has also identified the need for robust records, accepting that some of the discrepancies resulted from specific circumstances arising from the pandemic.

2.3 Following the July Committee meeting, officers involved with the project met with the Council’s Corporate Strategy Manager to consider how the Council’s approach to project management could be improved to avoid similar breaches occurring in future.

2.4 The Old Woking Independent Living Project (Hale End) was formally initiated through the Project Support Office in December 2017. The Project Manager of the scheme was the Asset Management Business Manager within Property Services. The project was correctly initiated, executed, and closed, in-line with the Council’s, project management process, and quarterly progress reports were prepared and submitted to the Executive until the closure of the project. The project was classified as ‘in retention’ from October 2021 to October 2023, which is standard for ‘build’ projects to allow time for any snagging/remedial works to be undertaken.

2.5 Every project must complete a Project Workbook (business case) which must be reviewed and signed-off prior to the release of funds and commencement of the work. The Project Workbook captures a range key information such as scope, approach, funding, financial implications (validated by Finance), contract requirements, milestones, etc. As part of project closure, lessons learnt are also captured. One of the key lessons learnt recorded upon closure of this project was that “The requirements of the Homes England Grant were not made clear to the project by Housing at project outset. This led to very late demands for information as a requirement for the grant to be released some of which we did not have.”

2.6 At the time of initiation and throughout delivery, the project was considered to be a ‘build’ project, which is why it was managed by an officer with asset management expertise. The project team and stakeholders (both identified at project initiation/start-up stage) reflect focus on the development aspect of the scheme (contractors, consultants, architects etc.) rather than the ‘client side’ perspective which would have included Housing representation. Housing colleagues, who would have been the main interface with Homes England and more fully aware of Grant Funding requirements, were not listed and therefore not as actively involved as required. It was this disconnect between delivery agent (Asset Management) and client (Housing) which resulted in funding condition issues.

2.7 Long after project commencement, a new team was created in Housing (Strategic Housing and Development) – the remit of which was to seek the creation of new affordable homes to support the Council’s wider Housing objectives and to provide a link with Government departments, such as, Homes England. At this point, the project team should have expanded

to better reflect the needs of the client and build in closer links with Homes England. The Project Workbook should have been updated to reflect this and encompass the funding milestones and expected deliverables.

- 2.8 Significant progress has been made over the last 12 months in relation to project oversight and governance. A quarterly Corporate Programme Board meets (comprised of CLT) to review the status of all Council projects – the Board enables a more strategic conversation around risk, issues, and interdependencies between initiatives, and is designed to ensure a more joined-up approach.
- 2.9 The review of the project highlights the importance of having a strong “client” role around projects and ensuring the project team is kept under review as a project evolves.
- 2.10 Whilst the Council's project management approach provides the framework to track key deliverables linked to grant conditions, it is suggested that for complex grants, a detailed checklist should also be produced and tracked as part of the project oversight.
- 2.11 In addition, where the Council lacks expertise and/or experience in delivering grant funded schemes, there may be a role to bring in support from other organisations either to manage the grant claim process and/or to act as a critical friend. This is likely to be most applicable to large scale, complex grants, such as Homes England. There are a number of housing associations who do offer this service to local authorities.

3.0 Corporate Strategy

- 3.1 Housing plays an important role in the health, social, environmental and economic wellbeing of everyone who lives in the borough. Good quality, decent and affordable homes contribute significantly to health and wellbeing. Hale End Court focuses on delivering suitable housing for frail and vulnerable residents that is truly affordable.

4.0 Implications

Finance and Risk

- 4.1 The Council does not expect the breaches to impact its Homes England Investment Partner status or its ability to apply for future grant funding. However, following the issuing of the S114 notice, the Council was notified by Homes England in August 2023 that it was not entitled to apply for any new grants for the foreseeable future, as the S114 Notice was deemed a withholding event.

Equalities and Human Resources

- 4.2 There are no specific implications outlined in the report.

Legal

- 4.3 Woking Borough Council is required to acknowledge acceptance of the report via the England online audit portal. This has been done following the July 2023 Committee meeting.

5.0 Engagement and Consultation

- 5.1 There are no specific implications outlined in the report.

REPORT ENDS

STANDARDS AND AUDIT COMMITTEE – 23 NOVEMBER 2023

HEALTH AND SAFETY ANNUAL REPORT

Executive Summary

The Health and Safety at Work etc. Act 1974 and subsequent legislation places a general duty on the Council to ensure, so far as is reasonably practicable, the health, safety and welfare at work of their employees and others such as the general public who use the Council's facilities and may be affected by the carrying out of the work the Council does.

This report provides the Standards and Audit Committee with a review of health and safety activity during 2022/2023.

This report demonstrates that there are no matters of concern.

Recommendations

The Committee is requested to:

RESOLVE That the Health and Safety Annual Report be received with no matters of concern.

The Committee has the authority to determine the recommendation(s) set out above.

Background Papers: None.

Reporting Person: Vicky Pickett – Health, Safety & Insurance Officer
Email: Vicky.Pickett@woking.gov.uk, Extn: 3405

Contact Person: Vicky Pickett – Health, Safety & Insurance Officer
Email: Vicky.Pickett@woking.gov.uk, Extn: 3405

Date Published: 15 November 2023

REPORT ENDS

Woking Borough Council

Annual Health & Safety Report

2022/23

Vicky Pickett – Health,
Safety & Insurance
Officer

Shaping the *future*
of our borough



2022/23

2022/23

CONTENTS

Annual Health & Safety Report 2022/23

1.	Introduction	3
2.	Legislation Changes	3
3.	HSE Intervention	4
4.	Accidents and Near Misses	4
5.	Aggressive Incidents	6
6.	Health and Safety Training.....	7
7.	Employer Liability Claims	9
8.	Hybrid Working and Looking into The Future.....	9
9.	Communication	10
10.	Financial Implications	10
11.	Performance on Priorities for the year 2023/24	10
12.	Conclusion	11
13.	Appendix	11

1. Introduction

As a public body, and a regulator regarding Health & Safety legislation, Woking Borough Council must lead by example. The Health and Safety Executive (HSE) continue to hold Local Authorities to account on this basis and expect councils to put in place robust arrangements for managing the health, safety and welfare of staff and others who interface with the authority as part of the Council's business.

The Council fulfil this requirement through the Health, Safety and Insurance Officer who provides a statutory Health and Safety service to all employees of Woking Borough Council, as required by duties imposed on employers under the Health and Safety at Work etc. Act 1974 and the Management of Health and Safety at Work Regulations 1999.

The Health, Safety and Insurance Officer was appointed to the post on 1 February 2023 and is a qualified health and safety professional to advise the Corporate Leadership Team (CLT), Senior Managers, and Line Management regarding the implications of the Health and Safety Policy together with the requirements of current legislation on the activities undertaken by the Council.

In line with current good practice and industry standards, Woking Borough Council's strategy reflects the work of the HSE, whose principles are to ensure that those who create risks take responsibility for managing those risks.

In following this principle, we will ensure that our systems reflect the HSE in that actions should be proportionate to the risks and, where possible, are tailored to the areas of the business where significant risks are generated, the work undertaken and the people who work there.

In the past quarterly reports have been provided to the Corporate Leadership Team, with the 4th quarterly report – i.e., the report for the whole of the financial year - being submitted to the Standards and Audit Committee.

2. Legislation Changes

The Fire Safety (England) Regulations 2022 came into force on 23 January 2023. Statutory duties under legislation according to building height and those imposed on the Council cover the provision of appropriate fire safety information and instructions to residents in general needs blocks of flats and sheltered schemes owned and managed by the Council (noting that all relevant buildings are confirmed as low rise.)

The information must be provided directly to new residents as soon as reasonably practicable after they have moved into their accommodation and then reissued to all existing residents at periods not exceeding 12 months thereafter.

3. HSE Intervention

Health and Safety Executive (HSE) Intervention is if the HSE visit the workplace and find that we are in material breach of health and safety law, we would have to pay for the time it takes to identify what is wrong to help us put it right. HSE's hourly rate under Fee for Intervention in 2023/24 has been increased from £163 to £166.

We have had no HSE interventions in the year 2022/23.

4. Accidents and Near Misses

In the event of an accident, dangerous occurrence or "near miss" happening at, or associated with work, the priority is to deal with any injured persons and make safe or isolate the cause / area of the accident.

All accidents resulting in, or that could have resulted in personal injury (however minor they appear) must be reported within 48 hours to the Health, Safety, and Insurance Officer on the Accident Report Form or Near Miss Report form as appropriate. More serious accidents / dangerous occurrences must be reported immediately or as soon as practically possible.

Some incidents, particularly the more serious, may attract media attention and it may be appropriate to advise Marketing & Communications as soon as possible.

Detailed accident statistics for the period 1 April 2022 to 31 March 2023 are attached in Appendix 1

There were twelve accidents to employees, none of which has been reported to the Health and Safety Executive (HSE) in accordance with the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR.)

There were five accidents to members of the public / non employees, one of which has been reported to the Health and Safety Executive (HSE) in accordance with the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR).

Amey

Amey reported twenty-three accidents and one hundred and twenty-six misses to employees. None of which were RIDDOR reportable. There were no accidents to non-employees.

Brookwood Cemetery

Brookwood Cemetery reported no accidents and no near misses.

Freedom Leisure

Accident statistics for Freedom Leisure are shown in Appendix 2. There was a total of eleven accidents involving employees - two at the Leisure Centre, six at the Pool in the Park and three at the new Eastwood Leisure Centre that opened in October 2021. No accidents to Freedom employees were required to be reported to the Health & Safety Executive (HSE) under RIDDOR.

Members of the public sometimes go to the Pool in the Park and the Leisure Centre seeking first aid treatment for accidents which occurred in areas that are not responsibility of Freedom Leisure, such as Woking Park, the slope up to the Pool in the Park, the skate park, the children's play area and the car parks. These incidents are recorded as accidents and included in the accident statistics below. At the Leisure Centre there were 271 accidents to non-employees, of which 128 are described as sport-related injuries. No accidents to non-employees were required to be reported to the HSE under RIDDOR.

At the Pool in the Park, there were 132 accidents to non-employees, of which 4 are described as sport-related injuries and 12 occurred outside of Freedom Leisure's premises. No accidents to non-employees were required to be reported to the HSE under RIDDOR.

At the Sports Box, there were 19 accidents to non-employees of which all 19 are described as sport-related injuries. No accidents to non-employees were required to be reported to the HSE under RIDDOR.

At the Eastwood Leisure Centre there were 28 accidents to non-employees of which 22 are described as sport-related injuries. No accidents to non-employees were required to be reported to the HSE under RIDDOR.

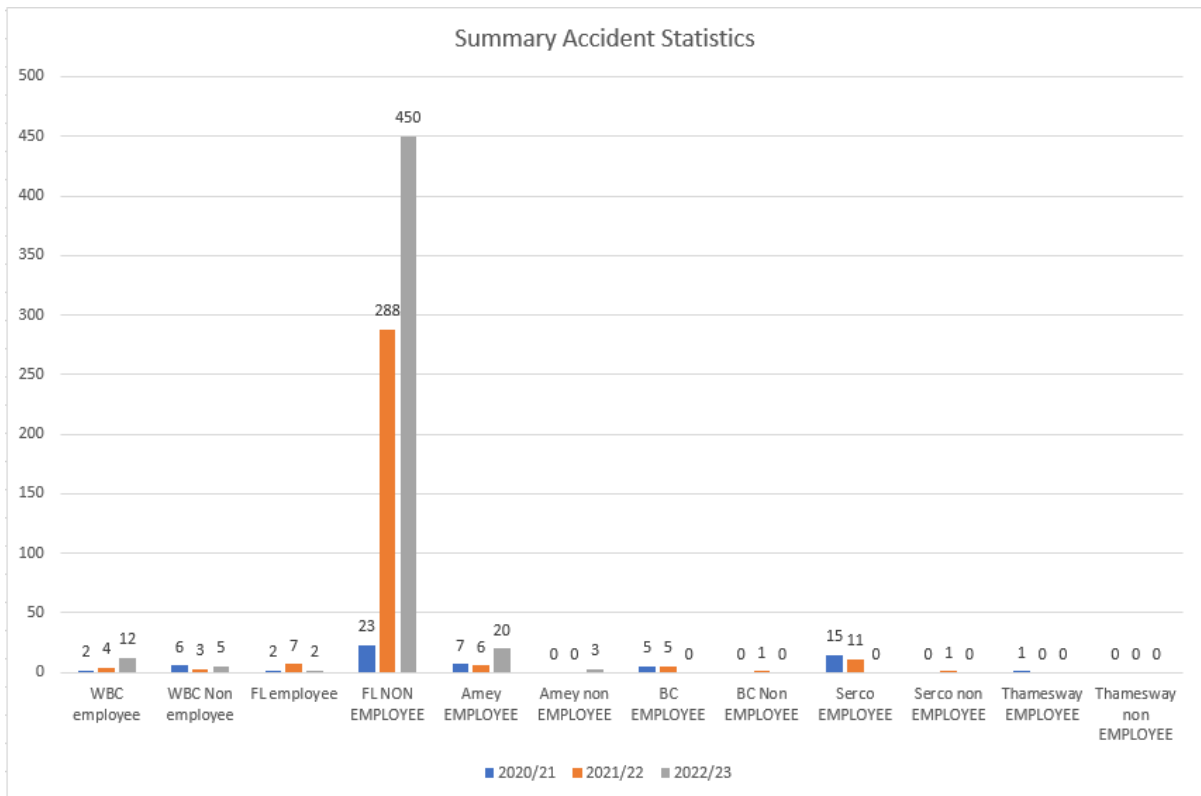
To put these figures in context, in this period there were 368,758 visitors to the Leisure Centre, 358,379 visitors to the Pool, 181,652 visitors to the Sports Box and 244,494 visitors to the Eastwood Leisure Centre.

Serco

Serco reported no incidents and one near miss.

Thameswey

Thameswey reported three incidents and four near misses, none of which were RIDDOR reportable.



To compare the figures throughout the years we can see an increase in accidents and near misses. It should be noted that 2022 was the first full year at work without any Covid-19 lockdown restrictions since the beginning of Covid. Although this appears to look like a rise in incidents, this is displaying a full year with no lockdowns or restrictions.

5. Aggressive Incidents

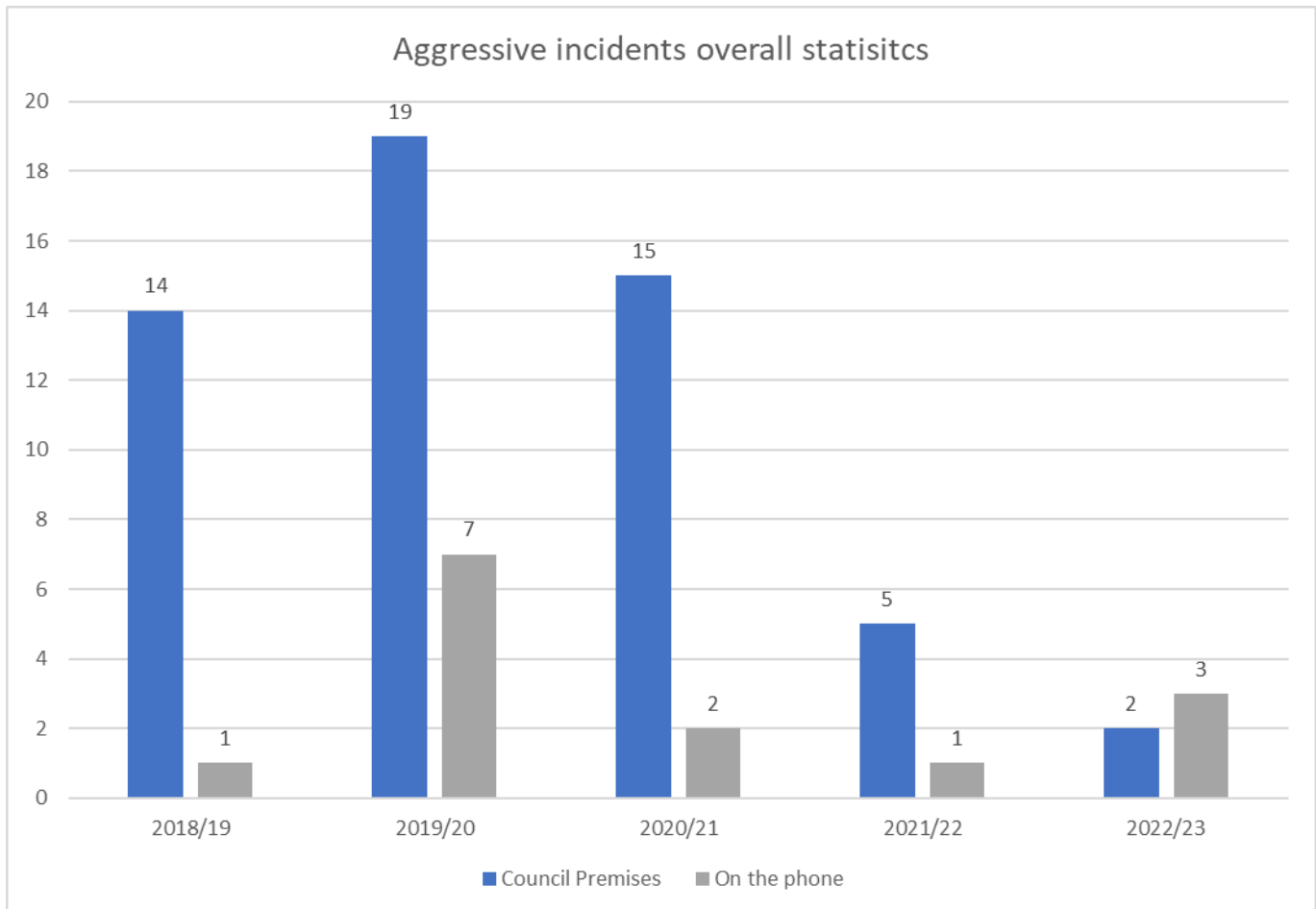
No member of staff should have to accept that the threat of aggression or violence is part of the job. However, we do have to recognise that as Council staff, we regularly come across members of the public who, for a variety of reasons, can become verbally abusive or, in exceptional cases, physically violent. Regrettably, but inevitably, incidents will occur.

There have been five aggressive incident reports received from 1 April 2022 – 31 March 2023. Two of which relate to the same incident.

Two of the incidents took place in Council premises, and three incidents on the phone. Two of the incidents on the phone has been reported to the police and is still being investigated.

Four people have been sent a letter advising that their behaviour was not acceptable and that a marker had been placed against their records to warn other staff who might have cause to deal with the person concerned.

Posters were presented on the front reception desk to reduce violence and aggression against staff. No warnings were received from outside organisations about people who had been aggressive.



6. Health and Safety Training

All Council staff plus staff from other organisations that are based in the Civic Offices or who visit regularly and require a photo ID card receive a Health and Safety induction before a photo ID card is issued. Once a photo ID card is issued, the holder can move around the Civic Offices without needed to be escorted by a member of Council staff.

Inductions are held at the Civic Offices every Monday morning (although inductions for Street Angels are usually held outside office hours) and take approximately 45 minutes. A sub-titled version was purchased, so that it is available for any new starters with hearing impairments.

Training undertaken this year includes:

Induction training for all WBC staff on their first day - 97 employees, 14 of which are work experience students.

Induction training for all staff from other organisations who are based in the Civic Offices including:

- DWP – thirteen people
- Surrey County Council – twenty-five people
- Surrey Police civilian counter staff – seven people
- Others - fifteen people
- First Aid training courses including:
- Emergency First Aid at Work course (1 day) – 9 people

Employees are required to undertake health and safety eLearning which is provided by a training portal called WorkRite. All staff are required to undertake the following courses:

- Fire Awareness
- Manual Handling Awareness
- Mental Health Awareness
- Personal Travel Safety
- Slips, Trips & Falls

The vast majority of staff use a computer and work in an office to some degree, therefore most staff will also be required to undertake:

- Display Screen Equipment for Agile Workers
- Office Health & Safety

There are courses undertaken by staff where appropriate to their role, including:

- Asbestos Awareness
- Conflict Resolution
- COSHH
- Driver Awareness (*mandatory for all staff with a leased car, car allowance or who drive for work purposes*)
- First Aid (*mandatory for all staff with a first aid qualification*)
- Food Safety 1 (*mandatory for all Community Meals Service staff*)
- Food Safety 2 (*mandatory for all Community Meals Service staff*)
- Legionella Essentials
- New & Expectant Mothers (*to be taken by the New & Expectant Mother AND her line manager*)
- Risk Assessment (*mandatory for all managers*)
- Working At Height

A summary of the number of eLearning courses completed is attached as Appendix 3. Where the number of staff is referred to, that relates to current staff as at the time of writing and does not include those who left before this report was written. This is because when staff leave, their log in to the WorkRite training portal is deactivated and deactivated accounts are not included in the reports that can be run on courses completed. Therefore, the actual number of staff who completed an eLearning course during 2021/22 might be higher than the number listed in the summary.

Three reminders are sent automatically to all those with an outstanding online course. These e-learning courses help us to ensure that staff receive refresher health and safety training. CLT support this by making it clear that this training is mandatory and advising Senior Managers that their staff are required to complete the training when it is scheduled.

7. Employer Liability Claims

There was one employer's liability claim received during the year 2022/23. The total reserve against this claim is £9,612.00

8. Hybrid Working and Looking into The Future

Many of us have had to change the way we work because of the COVID-19 Pandemic. This has created advantages for some and challenges for others. Hybrid working is an opportunity to create a better way of working, so we won't return to the way we worked before the pandemic.

Hybrid working is being able to work from different locations at different times using spaces more effectively and more efficiently. This could be a mix of working in an office and at home.

On the challenging side of things, hybrid working has affected the evacuation process due to a number wardens working from home yet we have put in measures to ensure the duties are covered by senior officers as required.

What we're doing

We are going to speak to staff to help us navigate what their working week looks like and if they are a Fire Warden and/or First Aider. This will assist us in discovering if we require more Fire Wardens and /or if the Fire Evacuation plan needs amending to reflect Hybrid Working. The Survey details are in Appendix 4.

Fire Evacuation Training for all Senior Managers in the absence of a Fire Warden has been conducted.

9. Communication

The Health, Safety & Insurance Officer was appointed to the post earlier on in the year, as mentioned in the introduction of this report. Since then, they have visited all Woking Borough Council offices to introduce themselves.

EWOK, the intranet is a form of communication which is great to advertise health and safety reminders – such as e-learning reminders.

As we are aware, the Council is facing a staff restructure. The Health and Safety Officer believes that at this moment in time, it would come across as insensitive to post e-learning reminders on the intranet.

EWOK has been used to promote one health and safety post through 2022/23. [Health and Safety \(sharepoint.com\)](https://sharepoint.com). This form of communication will be utilised significantly for health and safety throughout 2023/24 going forwards.

10. Financial Implications

During the year 2022/23, the Finance Control Panel has been introduced. Any item, course, website etc, costing more than £500 must be sent to the Panel and be approved. The Financial risk of not purchasing what we are required by legislation, far outweighs the cost of these materials. The FCP have a good system in place that allows the Health and Safety Officer to select that these items are a 'statutory requirement.'

11. Performance on Priorities for the year 2023/24

In the new year, it is vital that as we become a smaller Council, Health and Safety is at the forefront of our minds.

Fire Safety Management. A review of the current Fire Evacuation Plan needs to be amended and published to reflect the Council becoming smaller and staff members working from home.

Training and assessment for the working in home environment. To discover how many employees are working at home to deliver additional Display Screen Equipment (DSE) training and revise the policy to reflect this.

Effective Training and Development. We will continue to deliver comprehensive training through the e-learning website, WorkRite.

Mental Health and Wellbeing. To work closely with the Senior Policy officer to create a safe space for staff to discuss mental health.

Driver Safety Management. The system we currently use to check the status of staff's drivers' licence is being re-considered, as part of the Fit for the Future plan. A new system will need to be sourced and financed agreed.

Governance, Consultation & Communication. To improve communication and engagement in relation to health and safety and collective awareness of risks, roles, and responsibilities. It has been concluded within this report that communication could be stronger, the Health and Safety Officer will be utilising the intranet and broadcasting emails. We will develop a programme of communication, engagement and awareness raising activities to strengthen understanding and confidence around health and safety.

To strengthen governance arrangements, the Health and Safety Officer is looking to develop a 'Health and Safety Working Group.'

12. Conclusion

During 2022/23 there has been many changes at Woking Borough Council and more to come for 2023/24. These changes undoubtedly impact Health and Safety and although H&S has achieved making the amendments so far, there remains more to do to ensure the Council has a fully robust health and safety managements in place and a safety aware culture and the priorities set out above are intended to provide a robust framework for this work.

13. Appendix

- Appendix 1 – Accident Analysis Summary Table
- Appendix 2 – Freedom Leisure Accident Statistics
- Appendix 3 – Summary of eLearning Courses
- Appendix 4 – Proposed Agile Working Survey

ACCIDENT ANALYSIS SUMMARY TABLE

Number of accidents to **EMPLOYEES** in the period 01 April 2022 to 31 March 2023

LOCATION	Brockhill	Car Parks	Civic Offices	Centres	Centre grounds/ car park	Comm Meals Kitchens	H G Wells	Paths & roads	Sheltered schemes	Non-WBC premises	Other	TOTAL
CAUSES												
Slips, trips & falls on the level		2	1	1	1					1		6
Falls up/down stairs												0
Falls from height												0
Walked into something										1		1
Driving										1		1
Falling/dropped objects				1								1
Loading/unloading vehicles										1		1
Handling objects			1									1
Lifting/carrying/ pushing/pulling												0
Tools/ machinery/ hand tools												0
Cooking/kitchen work												0
Cleaning												0
Other										1		1
TOTAL	0	2	2	2	1	0	0	0	0	5		12

INJURIES												
No injury										2		2
Minor bump or knock										1		1
Minor cuts & grazes		1								1		2
Bruising		1	1	1	1					3		7
Larger cuts / puncture wounds												0
Burns & scalds				1								1
Strains, sprains & pains			1		1					1		3
Back pain												0
Fractures												0
Eye injuries												0
Other injury												0
TOTAL	0	2	2	2	2	0	0	0	0	8		16

A. Major												0
B. Serious												0
C. Minor	0	2	2	2	1	0	0	0	0	5		12

A. Treatment at hospital (24 hours) or major injury (RIDDOR reportable - *Reporting of Injuries Diseases and Dangerous Occurrences Regulations 1995*)

B. More than 3 days absence from work (RIDDOR reportable)

C. No absence or return to work within 3 days (not reportable)

Summary of Accident Report Forms Completed For Employees

Accident details

<u>Building</u>	<u>Location</u>	<u>What happened</u>	<u>Injury</u>
Other	Planning enforcement, at a property in woking.	IP was at a site to measure dimensions of property. Large dog bit him. Comments were passed to Surrey Police so they can assess whether a visit may be necessary.	No Injury
Civic Offices	First Floor, West.	IP injured calf connecting cables under their desk.	Injured calf.
St Mary's Community Centre	Lunch Hall	IP tripped over wheelchair	Bruising
Other	Other – Food inspection	IP was conducting a food inspection at a site, walked into a bolt on a door and bruised above right eye.	Bruising
Other	Other	IP fell on steps at a property during a visit.	Spraining, bruising & cut.
Victoria Road	Car Park	Fell and twisted ankle	Swelling, bruising
Parkview Community Centre	Lunch Hall	IP was filling hot water into a flask, when they dropped it and scalded back of right hand.	Scalding
Moorcroft Community Centre on way to Horsell Village	Unknown	IP had a vehicle hit theirs from behind.	No Injury
Civic Offices	Outside steps, main entrance	IP tripped on curb. First aid was administered.	Bruising
Victoria Way	Car Park	IP slipped on wet floor	Bruising
Victoria Way	Car Park	IP crossing road and slipped on wet surface	Minor cut and graze.
N/A	Making delivery at property	IP had the van door hit their head due to a gust of wind.	Minor bump and bruising.

Serious accidents reported to HSE under RIDDOR

No accidents to staff were reported under RIDDOR for the year 2022/23

* Note – IP is an abbreviation for “injured person”. This avoids the use of their name, for privacy.

ACCIDENT ANALYSIS SUMMARY TABLE

Number of accidents to **NON-EMPLOYEES** in the period 01 April 2022 to 31 March 2023

LOCATION	Brockhill	Car Parks	Civic Offices	Centres	Centre grounds/ car park	Comm Meals Kitchens	H G Wells	Paths & roads	Sheltered schemes	Non-WBC premises	Other	TOTAL
CAUSES												
Slips, trips & falls on the level				1							1	2
Falls up/down stairs												0
Falls From height												0
Walked into something												0
Driving												0
Falling/dropped objects												0
Loading/unloading vehicles												0
Handling objects												0
Lifting/carrying/pushing/pulling												0
Tools/ machinery/ hand tools												0
Cooking/kitchen work												0
Cleaning												0
Other			2								1	3
TOTAL	0	0	2	1	0	0	0	0	0	0	2	5
INJURIES												
No injury				1								1
Minor bump or knock												0
Minor cuts & grazes												0
Bruising												0
Larger cuts / puncture wounds											1	1
Burns & scalds												0
Strains, sprains & pains												0
Back pain												0
Fractures											1	1
Eye injuries												0
Other injury			2									2
TOTAL	0	0	0		0	0	0	0	0	0	0	
A. Major												0
B. Serious											1	0
C. Minor	0	0	2	1	0	0	0	0	0	0	1	

- B. Non-employee taken directly to hospital for treatment (RIDDOR reportable if the accident was work related)
 C. Would not have been RIDDOR-reportable even if work related.

Summary of Accident Report Forms Completed For Non-Employees

Ill health – not work related

<u>Building</u>	<u>Location</u>	<u>What happened</u>	<u>Injury</u>
Civic Offices	One Stop Shop	IP had a seizure and became unresponsive. First aid was administered and IP became responsive. Ambulance came and IP was taken to hospital.	No injury
Civic Offices	One Stop Shop.	IP was experiencing dizziness, nausea and abdominal pain. IP confirmed she was pregnant so an ambulance was called.	No Injury

Accident details

<u>Building</u>	<u>Location</u>	<u>What happened</u>	<u>Injury</u>
Other	Housing Property	IP was taking the bins out and slipped on a wet area by the bins	Broken hand.
St Mary's Community Centre	Lunch hall	IP was at a dance class and stumbled backwards and fell down.	No injury

Serious accidents reported to HSE under RIDDOR

<u>Building</u>	<u>Location</u>	<u>What happened</u>	<u>Injury</u>
N/A	Recreation ground	IP was a child who came down a slide and there was a smashed bottle at the bottom of the slide. Went straight to hospital.	Cut right thigh open.

* Note – IP is an abbreviation for “injured person”. This avoids the use of their name, for privacy.

Accident stats
01/04/22- 31/03/23

Woking LC**Total visitors** 368,758**Percentage of accidents**

	Total accidents	RIDDOR reportable	Non RIDDOR reportable	Sport related	Outside (Playground/ skate park/ car park)
Customer	271	0	271	128	0
Staff	2	0	2	0	0
Total	273	0	273	128	0

PITP**Total visitors** 358,379**Percentage of accidents**

	Total accidents	RIDDOR reportable	Non RIDDOR reportable	Sport related	Outside (Playground/ skate park/ car park)
Customer	132	0	132	4	12
Staff	6	0	6	0	0
Total	138	0	138	4	12

Sports Box**Total visitors** 181,652**Percentage of accidents**

	Total accidents	RIDDOR reportable	Non RIDDOR reportable	Sport related	Outside (Playground/ skate park/ car park)
Customer	19	0	19	19	16
Staff	0	0	0	0	0
Total	19	0	19	19	16

Eastwood**Total visitors** 244,494**Percentage of accidents**

	Total accidents	RIDDOR reportable	Non RIDDOR reportable	Sport related	Outside (Playground/ skate park/ car park)
Customer	28	0	28	22	6
Staff	3	0	3	3	0
Total	31	0	31	25	6

Appendix 3 – summary of eLearning courses

name of course	Asbestos Awareness	Conflict Resolution	COSHH	Display Screen Equipment	Driver Awareness	Fire Safety Awareness	First Aid	Food Safety level 1	Food Safety level 2
Completed by the end of this financial year	18	39	11	121	100	169	40	3	1
Completed after the end of the last financial year	17	213	12	240	110	177	32	8	11
Total of courses completed	35	252	23	361	210	346	72	11	12
Courses started but not completed				13					
Courses not started				44					
Outstanding courses	9	40	3	57	53	131	17	5	11

name of course	Legionella Essentials	Manual Handling Awareness	Mental Health Awareness	Office Health & Safety	Personal Travel Safety	Risk Assessment	Slips, Trips & Falls	Working at Height
Completed by the end of this financial year	20	206	149	2	67	27	96	21
Completed after the end of the last financial year	14	138	167	1	78	27	151	41
Total of courses completed	34	344	316	3	145	54	247	62
Courses started but not completed								
Courses not started								
Outstanding courses	11	132	160	0	64	8	98	13

total courses completed by the end of this financial year	1090
total courses completed after the end of the last financial year	1464
grand total of courses completed	2554

total of outstanding courses	812	of which	0	courses started but not completed
-------------------------------------	------------	----------	----------	------------------------------------------

Appendix 3 – summary of eLearning courses

Please note

- 1) The course statistics shown on page 1 are as of 30 August 2023.
- 2) The number of staff shown on page 1 relates to **current** staff as at the time of writing and does not include those who left before this report was written. This is because when staff leave, their log in to the WorkRite training portal is deactivated and deactivated accounts are not included in the reports that can be run on courses completed. Therefore, the actual number of staff who completed an eLearning course might be higher than the number listed in the summary on page 1.
- 3) The values for outstanding course include staff who have only recently started employment with the Council, so have only just been allocated a course.

Appendix 4 – Agile Working Survey Questions

1. Do you regularly work from home?
2. Which days do you specifically work from home?
3. How many days do you specifically work from home?
4. Do you have a suitable workstation that allows you to work from home?
5. Are you able to store equipment safely and securely in your home, preventing unauthorised access and use?
6. Do you have any of the following responsibilities at work? First aider, Fire Warden, Mental health first aider, Digital Champion, no?
7. Have you read the Health and Safety guidance on working from home? (Link provided)
8. Have you read the company policy on working from home? (Link provided)
9. Do you have any questions about working from home?
10. About you:

STANDARDS AND AUDIT COMMITTEE – 23 NOVEMBER 2023

INTERNAL AUDIT PROGRESS REPORT

Executive Summary

The Woking Borough Council Financial Regulation 2.8 requires that the Chief Finance Officer (Finance Director) shall regularly report to the Standards and Audit Committee (Committee) on the work undertaken by Internal Audit. Similarly, under the Internal Audit Charter approved by the Committee, it is required that Internal Audit provide a quarterly report on internal audit progress and key findings to the Committee.

This report covers audit activity and performance from 8 September 2023 to 6 November 2023.

Recommendations

The Committee is requested to:

RESOLVE That the report be received, and progress against the 2023-24 Internal Audit Plan and implementation of Internal Audit recommendations be noted.

The Committee has the authority to determine the recommendation(s) set out above.

Background Papers: None.

Reporting Person: Graeme Clarke, Partner, Mazars LLP
E-Mail: graeme.clarke@mazars.co.uk

Juan Fosco, Manager, Mazars LLP
E-Mail: juan.fosco@mazars.co.uk

Contact Person: Euguene Walker, Finance Director (Interim S151 Officer)
Ext. 3277, E-Mail: Euguene.walker@woking.gov.uk

Date Published: 15 November 2023

Implications

Financial and Risk

There may be financial implications regarding implementing internal audit recommendations depending on the nature of the area and recommendations made. However, any such implications are considered by Management as part of the recommendations raised. Some audit recommendations are also designed to improve value for money and financial control.

Internal Audit identifies weaknesses in the control environment. Therefore, implementing recommendations improves the control environment and risk management.

Human Resources and Equalities

Some audit recommendations need officer resources to be put in place. There is minimal impact on equality issues.

Legal

The professional responsibilities of internal auditors are set out within the UK Public Sector Internal Audit Standards (PSIAS).



Woking Borough Council - Internal Audit Progress Report
For September to November 2023 Period
November 2023

Contents

01 Introduction	1
02 Internal Audit Progress	1
03 Audit Reports Issued	1
04 Follow-Ups	2
A1 Current Progress – 2023/24 Plan	4
A2 Outstanding High Priority Recommendations (Past Implementation Date)	5
A3 Definitions of Assurance	7
A4 Other Matters	8
A5 Statement of Responsibility	8

Disclaimer

This report ("Report") was prepared by Mazars LLP at the request of Woking Borough Council (WBC), and terms for the preparation and scope of the Report have been agreed with them. The matters raised in this Report are only those which came to our attention during our internal audit work. Whilst every care has been taken to ensure that the information provided in this Report is as accurate as possible, Internal Audit have only been able to base findings on the information and documentation provided, and consequently, no complete guarantee can be given that this Report is necessarily a comprehensive statement of all the weaknesses that exist, or of all the improvements that may be required. The Report was prepared solely for the use and benefit of WBC, and to the fullest extent permitted by law, Mazars LLP accepts no responsibility and disclaims all liability to any third party who purports to use or rely for any reason whatsoever on the Report, its contents, conclusions, any extract, re-interpretation, amendment and/or modification. Accordingly, any reliance placed on the Report, its contents, conclusions, any extract, re-interpretation, amendment and/or modification by any third party is entirely at their own risk. Further details are provided in Appendix A5, "Statement of Responsibility".

01 Introduction

The Woking Borough Council (Council) Financial Regulation 2.8 requires that the Chief Finance Officer (Finance Director) shall regularly report to the Standards and Audit Committee (Committee) on the work undertaken by Internal Audit. Similarly, the Internal Audit Charter approved by the Committee requires that Internal Audit provide a quarterly report on internal audit progress and key findings to the Committee.

The purpose of this report is to outline the following concerning Internal Audit Activity during the period:

- An update on progress in delivering the 2023/24 internal audit plan;
- A summary of any Limited/Unsatisfactory Assurance reports issued and high-priority recommendations raised; and
- An update on follow-up activity and any recommendations outstanding for implementation.

This report covers internal audit activity and performance from 8 September 2023 to 6 November 2023.

02 Internal Audit Progress

The Committee approved the 2023/24 Internal Audit Plan (Plan) on 2 March 2023. However, we identified the need to revisiting the content of the Plan to consider the outcomes of the Department for Levelling Up, Housing and Communities (DLUHC) review. Furthermore, the Council subsequently issued a Section 114 Notice (s114) in June 2023 in response to the authority's unprecedented financial challenges.

Following publication and consideration of the DLUHC report and s114, we have also met with the Interim Director of Finance (Section 151 Officer) to consider areas where Internal Audit resources are best focused, deprioritising other work where risks are not linked to the Council's current situation.

Given the current challenges of the Council, it was considered that the focus of Internal Audit should be weighted towards financial and expenditure controls, income collection and key financial systems reviews. As a result, a new revised Plan was presented and approved in the September 2023 Committee meeting.

The revised 2023/24 Plan comprises 11 audits and 257 general days, including 30 days for IT audit and 30 days for the Head of Internal Audit role.

The table below provides a summary of the progress of the audits included in the Plan approved in September 2023 by the Committee:

Audit Status	Number of reviews	Percentage %
Finalised	1	9%
Draft	1	9%
Fieldwork in progress	3	28%
Not yet started	6	54%
Total	11	100%

Further detail on the audits, progress and timing is included in **Appendix A1** of this report.

03 Audit Reports Issued

We have four categories by which we classify internal audit assurance over the processes we examine: Substantial, Moderate, Limited or Unsatisfactory reviews. Further details on these categories are included in **Appendix A3**.

In our previous Progress Report for September 2023, we highlighted three reports from 2022/23 at draft stage (Sheerwater Regeneration Project, Contract Management – Savills and Commercial Property Estate). Meetings

were held to discuss the Commercial Property Estate report, in addition, responses had been received for the Sheerwater Regeneration Project report at the time of writing this report. For the Savills Contract Management report, a meeting has been scheduled with management to discuss the report. As usual, these will be provided to Members as soon as practical once finalised.

The table below shows the two final reports issued in the reporting period:

Audit Title	Assurance Opinion	Recommendations by Priority		
		High	Medium	Low
2022/2023 Internal Audit Plan				
KFS – AP, GL, NNDR and Council Tax	N/A	-	9	3
2023/2024 Internal Audit Plan				
IT – Office365	N/A	-	7	9
Total		-	16	12

Internal Audit categorises recommendations as High, Medium, or Low priority to differentiate between the recommendations made. These categories give management an indication of the importance and urgency of implementing the recommendations.

As shown in the table above, no High Priority recommendations were raised. Further details of recommendations from finalised reports can be found in the summary reports for each audit provided separately to Members.

04 Follow-Ups

Since our last progress report, the Action Management system was migrated from SharePoint to a Microsoft 365 environment and a different platform in October 2023.

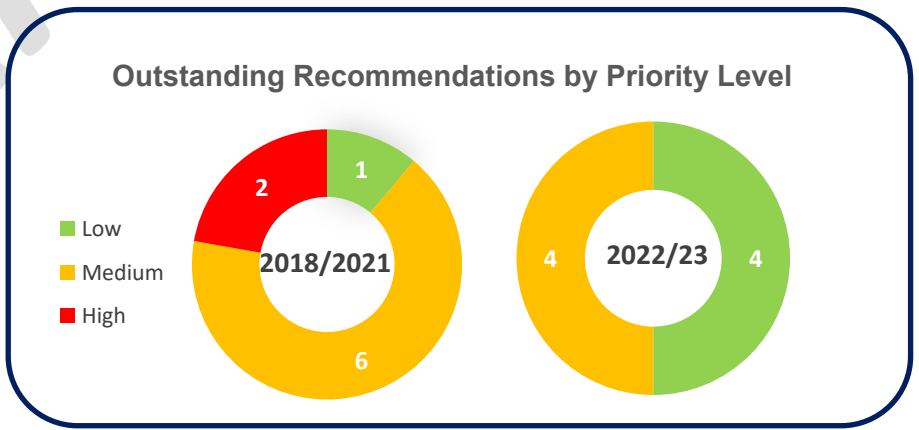
Although the system’s capabilities remain the same, the data migration between systems meant that recommendations held in the former platform had to be marked as ‘closed’ for migration purposes.

This also meant that during this process, Officers responsible for implementing recommendations could not update the systems with updates.

We have been granted access to the new system on 8 November and timing did not allow us to progress on the regular follow up exercise. We will undertake a reconciliation between the open recommendations and those ‘closed’ for migrating purposes in time for the next IA Progress Report as we are still requesting some adjustments to the Council’s IT Team, such as roles and user permissions to create casefiles to allow uploading new recommendations.

Until this exercise is completed, we cannot capture updates to recommendations since our last progress report. Therefore, we report the same position as in our September 2023 report.

There are 17 recommendations which have passed their initially agreed implementation dates. A further 30 recommendations were raised but within the agreed timescales for implementation and, therefore, not yet reviewed. Priorities for overdue recommendations are as follows:



Two high-priority recommendations are outstanding, which relate to historic recommendations from the Counter Fraud audit report. As a matter of update, the Finance Director is liaising with Mazars' Forensics and Investigations (FIS) Team to discuss logistics for implementing these.

Six of the nine medium-priority recommendations relate to the Temporary Accommodation audit completed in 2021/22, with recommendations agreed to be implemented by December 2022.

Further detail of outstanding high-priority recommendations is included in **Appendix A2** of this report.

DRAFT

A1 Current Progress – 2023/24 Plan

Audit area	Progress	Assurance Opinion	Recommendations		
			High	Medium	Low
Housing - Rent Collection	Draft*	Limited*	4	3	2
Income Management and Systems Reconciliations	Fieldwork	-	-	-	-
Council Tax	Fieldwork	-	-	-	-
Business Rates	Fieldwork	-	-	-	-
Payroll	Starts 13/11/2023	-	-	-	-
Accounts Payable (Creditors)	Starts 18/12/2023	-	-	-	-
Accounts Receivable (Debtors)	Starts 15/1/2024	-	-	-	-
Pension Fund Administration	Starts 18/1/2024	-	-	-	-
Group Companies	Starts 5/2/2024	-	-	-	-
IT					
Office 365	Final	-	-	7	9
Application Lifecycle Management	Starts 1/12/23	-	-	-	-
Total			4	10	11

*Draft reports currently awaiting management responses, which may lead to changes in content, including assurance levels and/or recommendations

A2 Outstanding High Priority Recommendations (Past Implementation Date)

Counter Fraud 2019/20					
Ref	Observation/Risk	Recommendation	Priority	Management Response	Timescale and Responsibility
1	<p>Fraud risk identification is essential in order to understand specific exposures to risk, changing patterns in fraud and corruption threats and the potential consequences to the Council and its service users.</p> <p>Although it was apparent that staff involved in counter fraud work are aware of fraud risks facing the Council, how they may occur and how they should be managed, the Council has not undertaken a formal fraud risk assessment.</p> <p>Where a fraud risk assessment is not undertaken, the Council may not be directing its counter fraud activity at the areas of greatest risk. Without a risk assessment and also a low number of reported cases of fraud, this may provide a false impression on the prevalence of fraud.</p>	<p>A fraud risk assessment should be undertaken so as to provide a basis for prioritising counter fraud activity.</p> <p>The Council should use published estimates of fraud loss, and where appropriate its own measurement exercises, to aid its evaluation of fraud risk exposure. This information should be used to evaluate the harm to the aims and objectives of the Council that different fraud risks may cause.</p> <p>The risk assessment should be reviewed periodically (at least annually) and reported to CMG.</p>	High	<p>Agreed. A Fraud risk assessment will be completed to inform future counter fraud work.</p> <p><i>October 2023:</i></p> <p>We requested Mazars' Forensics and Investigations (FIS) Team to assist in implementing this recommendation. Mazars is developing a proposal to be discussed and agreed.</p>	<p>31 March 2020</p> <p>Director of Finance</p> <p>Revised timescale:</p> <p>30 March 2024</p>
2	<p>Organisations require a counter fraud strategy to set out their approach to managing fraud risks and defining responsibilities for action.</p> <p>Although the Council has an Anti-Fraud and Corruption Policy, a Counter Fraud and Corruption</p>	<p>A Counter Fraud and Corruption Strategy should be developed to address the fraud risks identified (see recommendation 1).</p> <p>The strategy should include a mixture of both proactive and reactive approaches that are best suited to addressing the Council's fraud and corruption risks.</p>	High	<p>Agreed, once the risk assessment (recommendation 1) has been completed, a Counter Fraud and Corruption Strategy will be prepared.</p>	<p>30 December 2020</p> <p>Director of Finance</p>

Counter Fraud 2019/20					
Ref	Observation/Risk	Recommendation	Priority	Management Response	Timescale and Responsibility
	<p>Strategy has not been developed setting out the Council’s approach to managing the risk of fraud.</p> <p>The Local Government Transparency Code 2015 requires the annual publication of data relating to the Council’s counter fraud work; however, we were unable to locate any transparency data related to fraud.</p> <p>Where the Council does not have a Counter Fraud and Corruption Strategy, actions, responsibilities and accountability may be unclear. As a result, the fraud risks the Council is exposed to may not be managed effectively.</p>	<p>Proactive and reactive components of a good practice response to fraud risk can be found in CIPFA’s Code of Practice on Managing the Risk of Fraud and Corruption.</p> <p>The strategy should include clear identification of responsibility and accountability for delivery of tasks within the strategy, and also for providing oversight.</p> <p>A report should be prepared for CMG and the Standards and Audit Committee (or another suitable committee) at least annually on performance against the counter fraud strategy.</p> <p>The Council should also comply with the Local Government Transparency Code 2015 requirement to publish data relating to the Council’s counter fraud work.</p>		<p><i>October 2023:</i></p> <p>We requested Mazars’ Forensics and Investigations (FIS) Team to assist in implementing this recommendation. Mazars is developing a proposal to be discussed and agreed.</p>	<p>Revised timescale:</p> <p>30 March 2024</p>

A3 Definitions of Assurance

Definitions of Assurance Levels		
Level	Description	
Substantial	The framework of governance, risk management and control is adequate and effective.	
Moderate	Some improvements are required to enhance the adequacy and effectiveness of the framework of governance, risk management and control.	
Limited	There are significant weaknesses in the framework of governance, risk management and control such that it could be or could become inadequate and ineffective.	
Unsatisfactory	There are fundamental weaknesses in the framework of governance, risk management and control such that it is inadequate and ineffective or is likely to fail.	
Definitions of Recommendations		
Priority	Definition	Action required
High (Fundamental)	Significant weakness in governance, risk management and control that exposes the organisation to an unacceptable level of residual risk if unresolved.	Remedial action must be taken urgently and within an agreed timescale.
Medium (Significant)	Weakness in governance, risk management and control that exposes the organisation to a high level of residual risk if unresolved.	Remedial action should be taken at the earliest opportunity and within an agreed timescale.
Low (Housekeeping)	Scope for improvement in governance, risk management and control.	Remedial action should be prioritised and undertaken within an agreed timescale.

Tackling the recruitment crisis in the public & social sector – [our 23/24 survey](#)

Against a backdrop of unprecedented strike action and a poor public perception, the recruitment and retention of public and social sector employees has become increasingly challenging. With approximately six million public and social sector employees delivering essential services, decades of accumulated knowledge and experience are at risk of being lost, threatening the function of fundamental community services.

Key findings at a glance:

- 1. Training and upskilling initiatives are needed to plug the public and social sector skills gap:** Public and social sector employers are facing talent shortages on multiple fronts, demonstrating a need for deeper and broader levels of competence than basic skills.

The rapid pace of progress is putting public and social sector organisations under immense pressure to insulate their services with experienced tech professionals – to strengthen cyber resilience or leverage AI and automation to their fullest, however there is a critical shortage of the requisite skills.

When asked which departments within their organisation struggled most to attract and retain talent, 66% of survey respondents singled out ‘corporate services’ – specifically finance, procurement, legal, governance, risk and assurance talent – as challenging or extremely challenging. Additionally, ‘IT and digital’ followed closely behind with 63%, of which over a quarter (28%) found attraction and retention extremely challenging.

- 2. Differing workplace perspectives highlight the need for cohesive recruitment and retention strategies:** As the public and social sector meets the emerging challenges of the 2020s and beyond, how can young talent be attracted and harnessed?

If the public and social sector is to secure its future workforce, organisations need to rethink current approaches to recruitment – but this will only happen once unified long-term strategies are put in place. Current efforts are not attracting Gen Z, who are much more likely to have the digital skills required for the future, nor experienced hires from the private sector, with

uncompetitive salaries and unappealing job descriptions proving a barrier to application.

89% of respondents identified ‘flexible working’ as important or very important, suggesting that hybrid working is now an expectation rather than a temporary measure. This can be an advantage for the public and social sector as more private sector firms are demanding a return to the office.

- 3. The public and social sector needs to focus on the long term, not quick fixes:** The limited availability of resources is preventing employers from providing opportunities to their employees. Addressing this issue should be a public and social sector imperative.

Organisational training and upskilling initiatives can empower employees, giving them the opportunity to gain new skills and improve performance in their current and future roles. However, according to 56% of survey respondents, the ‘limited availability of resources’ is preventing employers from providing these opportunities to their employees.

Participants identified a range of additional issues, from ‘resistance to change’ (47%) to the ‘contradiction of work-learning balance’ (43%) and the ‘perceived cost’ of training (43%). The Apprenticeship Levy is not being leveraged effectively due to the use of temporary contracts and a lack of senior buy-in, with many people leaving for promotions elsewhere after being trained. Decisive action must be taken to ensure the public and social sector has access to the skills and experience it relies on, especially in the face of a potential retirement crisis.

A5 Statement of Responsibility

We take responsibility to WBC for this report which is prepared on the basis of the limitations set out below.

The responsibility for designing and maintaining a sound system of internal control and the prevention and detection of fraud and other irregularities rests with management, with internal audit providing a service to management to enable them to achieve this objective. Specifically, we assess the adequacy and effectiveness of the system of internal control arrangements implemented by management and perform sample testing on those controls in the period under review with a view to providing an opinion on the extent to which risks in this area are managed.

We plan our work in order to ensure that we have a reasonable expectation of detecting significant control weaknesses. However, our procedures alone should not be relied upon to identify all strengths and weaknesses in internal controls, nor relied upon to identify any circumstances of fraud or irregularity. Even sound systems of internal control can only provide reasonable and not absolute assurance and may not be proof against collusive fraud.

The matters raised in this report are only those which came to our attention during the course of our work and are not necessarily a comprehensive statement of all the weaknesses that exist or all improvements that might be made.

Recommendations for improvements should be assessed by you for their full impact before they are implemented. The performance of our work is not and should not be taken as a substitute for management's responsibilities for the application of sound management practices.

This report is confidential and must not be disclosed to any third party or reproduced in whole or in part without our prior written consent. To the fullest extent permitted by law Mazars LLP accepts no responsibility and disclaims all liability to any third party who purports to use or rely for any reason whatsoever on the Report, its contents, conclusions, any extract, reinterpreted amendment and/or modification by any third party is entirely at their own risk.



Contacts

Graeme Clarke

Partner, Mazars

graeme.clarke@mazars.co.uk

Juan Fosco

Manager, Mazars

juan.fosco@mazars.co.uk

Page 110

Mazars is an internationally integrated partnership specialising in audit, accountancy, advisory, tax and legal services*. Operating in over 95 countries and territories worldwide, we draw on the expertise of 47,000 professionals – 30,000 in Mazars' integrated partnership and 17,000 via the Mazars North American Alliance – to assist clients of all sizes at every stage in their development.

*Where permitted under applicable country laws

www.mazars.co.uk

STANDARDS AND AUDIT COMMITTEE – 23 NOVEMBER 2023

INTERNAL AUDIT CHARTER

Executive Summary

The Internal Audit Charter (Charter) is a formal document that defines the Internal Audit's purpose, authority, and responsibility. It is required under the UK Public Sector Internal Audit Standards (PSIAS). The Charter establishes Internal Audit's position within the organisation, including the nature of the Head of Internal Audit's functional reporting relationship with the Standards and Audit Committee (SAC); authorises access to records, personnel and physical properties relevant to the performance of engagements; and defines the scope of Internal Audit's activities.

The best practice is for the Charter to be presented annually for approval, which is set out in Appendix 1.

Whilst there have been some minor updates by way clarification and updates to reflect current activities, the substantive content of the Charter has not changed from the one presented and approved by SAC at its meeting in November 2022.

Recommendations

The Committee is requested to:

RESOLVE That the Internal Audit Charter be noted and any comments provided.

The Committee has the authority to determine the recommendation(s) set out above.

Background Papers: None.

Reporting Person: Graeme Clarke, Partner, Mazars LLP
E-Mail: graeme.clarke@mazars.co.uk
Juan Fosco, Manager, Mazars LLP
E-Mail: juan.fosco@mazars.co.uk

Contact Person: Eugene Walker, Finance Director (Interim S151 Officer)
Ext. 3277, E-Mail: Eugene.walker@woking.gov.uk

Date Published: 15 November 2023

Implications

Financial and Risk

There may be financial implications regarding implementing internal audit recommendations depending on the nature of the area and recommendations made. However, any such implications are considered by Management as part of the recommendations raised. Some audit recommendations are also designed to improve value for money and financial control.

Internal Audit identifies weaknesses in the control environment. Therefore, implementing recommendations improves the control environment and risk management.

Human Resources and Equalities

Some audit recommendations need officer resources to be put in place. There is minimal impact on equality issues.

Legal

The professional responsibilities of internal auditors are set out within the UK PSIAS.

Woking Borough Council

Internal Audit Charter

November 2023



Introduction

The Internal Audit Charter (Charter) sets out the terms of reference and serves as a basis for the governance of Woking Borough Council's (Council) Internal Audit function. It sets out the function's purpose, authority, and responsibility following the UK Public Sector Internal Audit Standards (PSIAS). The Charter will be reviewed and updated annually and presented to the Standards and Audit Committee (SAC) for approval.

The PSIAS includes a Mission for Internal Audit which is 'to enhance and protect organisational value by providing risk-based and objective assurance, advice and insight'.

Nature and Purpose

The Council has developed a risk management framework which includes the following:

- Identification of the significant risks in the Council's operations and allocation of a risk owner to each;
- An assessment of how well the significant risks are being managed; and
- Periodic reviews by the Corporate Leadership Team (CLT) of the significant risks, including reviews of key risk indicators, governance reports and action plans, and any changes to the Council's risk profile.

Internal control is one of the primary means of managing risk. Consequently, evaluating its effectiveness is central to Internal Audit responsibilities.

The Council's internal control system comprises the policies, procedures and practices, as well as an organisational culture that collectively supports the Council's effective operation in pursuing its objectives. The risk management, control, and governance processes enable the Council to respond to significant business risks, be these of an operational, financial, compliance or other nature and are the direct responsibility of the CLT.

The Council needs assurance over the significant business risks set out in the risk management framework. Also, many other stakeholders, both internal and external, require assurance on the management of risk and other aspects of the Council's business, including Members and regulators. There are also many assurance providers. The internal audit function is the third line of defence in the Council's 'three lines of defence approach' to risk and assurance. The first line of defence comprises the Council's core operational services, and the second line includes the oversight functions such as risk management.

Internal Audit is defined by the Institute of Internal Auditors' International Professional Practices Framework as 'an independent, objective assurance and consulting activity designed to add value and improve an organisation's operations. It helps an organisation accomplish its objectives by

bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control and governance processes.’

Within the Council, Internal Audit Services, including the Head of Internal Audit (HoIA) role on behalf of the Council, are contracted out and delivered by Mazars LLP. Internal Audit provides independent and objective assurance to the organisation, its Members, the Chief Executive, the CLT, and the Chief Finance Officer to help them discharge their responsibilities relating to properly administering the Authority’s financial affairs under S151 of the Local Government Act 1972.

Also, the Accounts and Audit Regulations (2015) specifically require the provision of internal audit services. In line with regulations, Internal Audit provides independent assurance of the adequacy and effectiveness of the Authority’s governance, risk management and internal control systems.

In particular, Internal Audit carries out assurance and consulting activities across all aspects of the Council’s business, based on a programme agreed upon with the SAC. In doing so, Internal Audit works closely with the Authority’s risk owners, service line risk teams, and the CLT.

In addition to providing independent assurance to various stakeholders, Internal Audit helps identify areas where the Council’s existing processes and procedures can be developed to improve how risks in these areas are managed.

The independent assurance provided by Internal Audit also assists the Council in reporting annually on the effectiveness of the internal control system included in the Council’s Annual Governance Statement (AGS).

Authority and Access to Records, Assets and Personnel

Internal Audit has unrestricted right of access to all Council records and information, both manual and computerised, cash, stores and other property or assets it considers necessary to fulfil its responsibilities. Internal Audit may enter Council property and has unrestricted access to all locations and officers where necessary on-demand and without prior notice. The right of access to other bodies funded by the Council should be set out in funding conditions.

Any restriction (management or other) on the scope of the Internal Audit’s activities will be reported to the SAC.

Internal Audit is accountable for the safekeeping and confidentiality of any information and assets acquired in its duties and execution of its responsibilities.

Internal Audit will consider all requests from the external auditors for access to any information, files or working papers obtained or prepared during audit work that has been finalised and which external audit would need to discharge their responsibilities.

Responsibility

The HoIA is required to provide an annual opinion to the Council, the Chief Finance Officer, and the Chief Executive, through the SAC, on the adequacy and effectiveness of the Council's risk management, control and governance processes. To achieve this, Internal Audit will:

- Work with other assurance providers (such as the external auditors, etc.) such that the assurance needs of the Council, regulators and other stakeholders are met in the most effective way.
- Evaluate and assess the implications of new or changing systems, products, services, operations and control processes.
- Carry out assurance and consulting activities across all aspects of the Council's business based on a risk-based plan agreed with the SAC.
- Provide the Chief Finance Officer, Chief Executive and other officers with reasonable, but not absolute, assurance as to the adequacy and effectiveness of the key controls associated with the management of risk in the area being audited.
- Issue periodic reports to the CLT and the SAC summarising results of assurance activities.
- Assist Management with the prevention and detection of fraud through assurance activities.
- If requested by Management, to support in the investigation of allegations of fraud, bribery and corruption within the Council and notifying management and the SAC of the results.
- Assess the adequacy of remedial action to address significant risk and control issues reported to the SAC. Responsibility for remedial action in response to audit findings rests with line management.

There are inherent limitations in any internal control system, and thus, errors or irregularities may occur and not be detected by Internal Audit's work. Unless specifically requested and agreed, Internal Audit will not perform substantive testing of underlying transactions.

Internal Audit will provide line management with comments and report breakdowns, failures or weaknesses of internal control systems, and recommendations for remedial action when carrying out its work. However, Internal Audit cannot absolve line management of responsibility for internal controls.

Internal Audit will support line managers in determining measures to remedy deficiencies in risk management, control and governance processes and, compliance with the Council's policies and standards and monitor whether such actions are implemented on a timely basis.

Where appropriate, Internal Audit will undertake assurance or consulting activities for the benefit of the Council in organisations wholly owned or controlled by the Authority. Internal Audit may also assure the Council on third-party operations (such as contractors and partners) where this has been provided as part of the contract.

The SAC is responsible for ensuring that Internal Audit is adequately resourced and afforded a sufficiently high standing within the organisation, necessary for its effectiveness.

Scope of Activities

As highlighted in the previous section, any internal control system has inherent limitations. Internal Audit, therefore, provides the Members via the SAC, the Chief Executive and other officers with reasonable, but not absolute, assurance as to the adequacy and effectiveness of the Council's governance, risk management and control processes using a systematic and disciplined approach by:

- Assessing and making appropriate recommendations for improving the governance processes, promoting appropriate ethics and values, and ensuring effective performance management and accountability;
- Evaluating the effectiveness and contributing to the improvement of risk management processes; and
- Assisting the Council in maintaining effective controls by evaluating their adequacy, effectiveness and efficiency and by promoting continuous improvement.

The scope of Internal Audit's value-adding activities includes evaluating risk exposures relating to the Council's governance, operations and information systems regarding the:

- Achievement of the organisation's strategic objectives;
- Reliability and integrity of financial and operational information;
- Effectiveness and efficiency of operations and programmes;
- Safeguarding of assets; and
- Compliance with laws, regulations, policies, procedures and contracts.

Reporting

For each engagement, Internal Audit will issue a report to the lead auditee identified for each internal audit and the Chief Finance Officer or their nominee, and a summary of the report to the CLT and the SAC.

The PSIAS require the HoIA to report at the top of the organisation, and this is done in the following ways:

- The Internal Audit Charter is reported to the CLT and presented to the SAC annually for formal approval.
- The annual risk-based plan is compiled by the HoIA taking account of the Council's risk management framework and after input from members of the CLT. It is then presented to the CLT and then to SAC annually for comment and formal approval.
- The internal audit budget is reported to Executive and Full Council for approval annually as part of the overall Council budget.
- The adequacy, or otherwise, of the level of internal audit resources (as determined by the HoIA) and the independence of internal audit will be reported at least annually to the SAC through the annual HoIA report.
- Performance against the annual risk-based plan and any significant risk exposures and breakdowns, failures or weaknesses of internal control systems arising from internal audit work are reported to the CLT and SAC on a quarterly basis.
- Any significant consulting activity not already included in the risk-based plan and which might affect the level of assurance work undertaken will be reported to the SAC.
- Any instances of non-conformance with PSIAS must be reported to the CLT and the SAC and will be included in the annual HoIA report. If there is significant non-conformance, this may be included in the Council's AGS.

Independence

The HoIA has free and unfettered access to the following:

- Chief Executive;
- Chief Finance Officer;
- Monitoring Officer;
- Chair of the SAC; and
- Any other member of the CLT.

The independence of the HoIA is further safeguarded as the service is contracted. Also, their annual appraisal ensures it is not inappropriately influenced by those subject to internal audits.

To ensure that internal auditor objectivity is not impaired and that any potential conflicts of interest are appropriately managed, all internal audit staff are required to make an annual personal independence responsibilities declaration via the contracted suppliers' procedures, which include deadlines for:

- Annual Returns (a regulatory obligation regarding independence, fit and proper status and other matters which everyone in the contracted supplier must complete);
- Personal Connections (the system for recording interests in securities and collective investment vehicles held by partners, directors and managers, and their immediate family members); and
- Continuing Professional Development (CPD).

Internal Audit may also provide consultancy services, such as advice on implementing new systems and controls. To maintain independence, any audit staff involved in significant consulting activity will not be involved in that area's audit for at least 12 months. However, any significant consulting activity not already included in the audit plan that might affect the level of assurance work undertaken will be reported to the SAC.

External Auditors

The External Auditors fulfil a statutory duty. Effective collaboration between Internal Audit and the External Auditors will help ensure effective and efficient audit coverage and resolution of issues of mutual concern. Internal Audit can follow up on the implementation of internal control issues raised by External Audit. Internal Audit and External Audit can liaise periodically to:

- Plan the respective internal and external audits;
- Discuss potential issues arising from the external audit; and
- Share the results of significant issues arising from audit work.

Due Professional Care

The following standards bind the Internal Audit function:

- Chartered Institute of Internal Auditor's International Code of Ethics;
- Seven Principles of Public Life (Nolan Principles);
- PSIAS;
- Relevant Authority Policies and Procedures; and
- Relevant legislation.

Internal Audit is subject to a Quality Assurance and Improvement Programme that covers all aspects of internal audit activity. This consists of ongoing performance monitoring and an external assessment by a suitably qualified, independent assessor at least once every five years. An independent EQA of our internal audit services was undertaken in 2019 with full compliance with PSIAS confirmed. A new EQA will be undertaken in 2024.

Continuous Professional Development CPD is maintained for all staff working on internal audit engagements to ensure that auditors preserve and enhance their knowledge, skills and audit competencies to deliver the risk-based plan. The HoIA is required to hold a professional qualification (CMIIA, CCAB or equivalent) and be suitably experienced.

STANDARDS AND AUDIT COMMITTEE – 23 NOVEMBER 2023

ANNUAL GOVERNANCE STATEMENT 2022-23

Executive Summary

The Annual Governance Statement demonstrates the effectiveness of the Council's corporate governance environment and incorporates the statement on internal control (SIC) requirements to demonstrate the Council has appropriate internal control mechanisms in place.

The evaluation of governance arrangements is based around the CIPFA/SOLACE governance framework 'Delivering Good Governance in Local Government' which brings together an underlying set of legislative requirements, governance principles and management processes relating to the whole organisation.

The framework has seven core principles of governance focusing on the arrangements, systems and processes for the direction and control of the organisation and its activities through which it accounts to, engages with and, where applicable, leads the community.

Arising from the assessment is a requirement to produce a Governance Statement and action plan to correct any identified problems in the governance arrangements. The Draft Governance Statement is attached at Appendix 1. The statement will be published separately on the internet as well as forming part of the Statement of Accounts.

Recommendations

The Committee is requested to:

RESOLVE That the Draft Annual Governance Statement be received.

The Committee has the authority to determine the recommendation(s) set out above.

Background Papers:	None.
Reporting Persons:	Gareth John, Interim Director of Legal and Democratic Services Email: gareth.john@woking.gov.uk Eugene Walker, Interim Director of Finance Email: eugene.walker@woking.gov.uk
Contact Persons:	Gareth John, Interim Director of Legal and Democratic Services Email: gareth.john@woking.gov.uk Eugene Walker, Interim Director of Finance Email: eugene.walker@woking.gov.uk
Date Published:	15 November 2023

1.0 Introduction

- 1.1 The Council conducts its business within a governance framework. It is an interrelated system that brings together an underlying set of legislative requirements, governance principles and management processes.
- 1.2 Documents and processes that provide some of the boundaries to this governance framework include:
 - The Constitution;
 - Local and statutory Codes of practice, Policies and Strategies;
 - Management Arrangements and Scheme of Delegations;
 - Service and Performance Plans;
 - Performance Management Systems; and
 - Internal Control Processes.
- 1.3 In essence, the Annual Governance Statement is a formal statement that recognises, records and publishes an authority's governance arrangements as defined in the framework.
- 1.4 The Annual Governance Statement documents the corporate governance environment.
- 1.5 The CIPFA/SOLACE governance framework 'Delivering Good Governance in Local Government' brings together an underlying set of legislative requirements, governance principles and management processes relating to the whole organisation and sets out the fundamental principles of corporate governance. These are contained in 7 core principles.
- 1.6 To support the Annual Governance Statement, attached is a Local Code of Corporate Governance, which shall be included in the Council's Constitution during its review. The Code sets out for members and officers the main principles of good governance for Woking Borough Council. A Copy of the Code can be found at Appendix 2 to this report.

2.0 Implications

Financial and Risk

- 2.1 There are no financial implications of this work. The development of risk management and business continuity is an ongoing improvement for the Council.

Equalities and Human Resources

- 2.2 Ongoing training will be provided in order to ensure compliance with the governance and assurance framework.

Legal

- 2.3 The CIPFA/SOLACE governance framework 'Delivering Good Governance in Local Government' brings together an underlying set of legislative requirements, governance principles and management processes for the Council, which are documented in the Annual Governance Statement.

3.0 Corporate Plan

3.1 The assessment forms a part of the Annual Statement of Accounts and contributes to ensuring the effective use of resources by the Council, as one of the objectives of the Corporate Plan.

4.0 Engagement and Consultation

4.1 None.

REPORT ENDS

Woking Borough Council

Annual Governance Statement

2022 - 2023

Introduction

This statement reflects the Council's assessment of its governance arrangements as at 31 March 2023. It must, however, be acknowledged that since this date, as the full extent of the Council's financial circumstances have become apparent, it has been the subject of intervention by Government appointed Commissioners since 25 May 2023, issued a S114 report on 7 June 2023, and asked its incoming auditors, Grant Thornton, to undertake a Value for Money Review. These matters will be properly picked up in the 2023/2024 Annual Governance Statement (AGS).

During the summer of 2022, the Council was in discussions with the Department for Levelling Up Housing and Communities (DLUHC) regarding the high level of borrowing and issues relating to the sustainability of the Council's financial position. Following these initial discussions, in January 2023 the Secretary of State commissioned a non-statutory review of the governance, financial and commercial aspects of the Council's business. The review team consisted of Jim Taylor, Carol Culley OBE and Mervyn Greer (who were subsequently appointed as Commissioners following the intervention). Fieldwork took place in January and February 2023 and the panel undertook further work in April 2023 as additional financial concerns were identified by the Council. This resulted in publication of the DLUHC External Assurance Review in May 2023. At an Extraordinary Council meeting on 23 February 2023, the then S151 Officer reported that the Council was in the territory of issuing a S114 report.

This statement identifies actions that were underway as at 31 March 2023 to address areas of weakness, but also includes references to the wide range of activity that commenced after this date following the intervention and issuance of the S114 report.

The attention that has been applied to issues of governance and financial controls in 2021/22, and more significantly in 2022/23 and into 2023/24, has highlighted areas of historic and structural governance weaknesses and areas for improvement.

The Council is on an improvement journey to address these issues – this journey both delivers improvements and also exposes further areas of weakness that need to be addressed. The attention to **Principle F** within the seven principles – **managing risks and performance through robust internal control and strong public financial management** – highlights the extent of the improvements to governance arrangements that need to be established in order to give the assurances required.

A significant amount of work has been undertaken and improvements made but this needs to be enhanced and embedded into the organisation so that it is consistently applied, understood and adopted in the way the Council undertakes its business.

Whilst the Council will rightly now focus on the future and its recovery, it also has a responsibility to ensure it learns the lessons from the past and the decisions and actions that have contributed to the challenges it is now facing. This will be in the interests of the public and communities of Woking. The Chief Executive, with the support of the S151 Officer, requested its new incoming auditor for the 2023/24 financial year, Grant Thornton LLP, to undertake a Value for Money Review of the decisions relating to the Council's Investment Strategy under their audit Code of Practice responsibilities. The report produced will be a key component of informing the improvements to governance arrangements in 2023/24 and moving forward.

When considering the 2022/23 AGS, it is relevant to refer to the Section 25 Report that was produced with the 2023/24 annual budget reported to the February 2023 meeting of Council. Whilst this report concentrated primarily on the risk, uncertainty and robustness of the budget for 2023/24, it is formed by understanding the performance of the Council in 2022/23.

1.0 The key headlines to take from the Section 25 report as relevant to this AGS are:

- The Council is in the territory of a S114 notice, but as of the date of this report a S114 Notice is not required. This report however may lead to the issuing of a S114 Notice in 2023/24 as work on the 2024/25 budget progresses.
- The Council does need to make significant improvements in its approach to resource management as a strategy and discipline.
- The Council has some risk and financial resilience exposures which are more significant than other local authorities.
- The Council does not have the financial resilience to absorb the impacts of the current economic downturn and changes in consumer behaviours in the short and medium-term and cannot solely rely on its investment approach to protect services. The Council needs to develop a more far-reaching strategy of service transformation that will enable it to manage within the predicted level of funding available whilst both ensuring it maintains the services it is statutorily required to provide and uses the strategic priorities established within the Working for All strategy to target funding.
- The Council has not undertaken a review of its compliance with the CIPFA Financial Management Code as of the date of this report. This is being addressed in 2023/2024.
- The Council does not have an audit opinion on its accounts for 2019/20 and subsequent years (2020/21 and 2021/22). This position creates a significant risk for the Council in that it cannot place any reliance on prior year accounts.
- The Council has raised its concerns with its auditors and has engaged with the Financial Reporting Council (FRC) and Public Sector Audit Appointments (PSAA). The Council recognises that the delay in audits is a national issue for the sector, however, it has been seeking what options are available to specifically respond to the situation and delays for Woking Borough Council.
- It has been identified that a far more prudent assessment of Minimum Revenue Provision (MRP) is likely to be required. An approach is currently being agreed to the treatment of the changes in MRP assessment that are likely to be required.
- A more prudent provision for impairment of capital loans should also be made. This will need to be reflected on the balance sheet and in the annual accounts and will leave a large deficit balance on the Capital Adjustment Account on the balance sheet.
- The Council's position on MRP will be subject to further independent assessment and review. An independent review has been commissioned on the Council's MRP policy, and the amount that has been accounted for in its accounts, to be completed by early April 2023. For this Medium-Term Financial Strategy (MTFS) report, the MRP policy adopted in 2022 is being rolled forward and the amendments that are likely to be required following the independent review will be brought forward in 2023/24 as part of the MTFS reporting.

1. Scope of responsibility

Woking Borough Council is responsible for ensuring that:

- Its business is conducted in accordance with the law and proper standards
- Public money is safeguarded and properly accounted for, and

-
- Resources are used economically, efficiently and effectively.
-

The Council also has a duty under the Local Government Act 1999 to make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.

In discharging this overall responsibility, the Council is responsible for putting in place proper arrangements for the governance of its affairs and facilitating the effective exercise of its functions, which includes arrangements for the management of risk and the system of internal control.

The Council has approved and adopted arrangements for corporate governance, which are consistent with the principles of the CIPFA/SOLACE framework *Delivering Good Governance in Local Government*. The framework consists of seven core principles each with sub principles. These are considered in more detail in section 4.

This statement is the outcome of a review which explains how the Council addresses the requirements of Accounts and Audit (England) Regulations 2015, regulation 6(1)(a), which requires all relevant bodies to conduct a review at least once in a year of the effectiveness of its system of internal control and include a statement reporting on the review with any published Statement of Accounts. This Statement is prepared in accordance with proper practices in relation to accounts.

2. The purpose of the governance framework

Governance comprises the arrangements put in place to ensure that the intended outcomes for stakeholders are defined and achieved. To deliver good governance in the public sector, governing bodies and individuals working for public sector entities must try to achieve their entity's objectives while acting in the public interest at all times.

The governance framework comprises the systems, processes, culture and values by which the Council is directed and controlled, and the activities through which it accounts to, engages with and leads the community. It enables the Council to monitor the achievement of its strategic objectives and to consider whether those objectives have led to the delivery of appropriate, cost effective services.

The quality of governance arrangements underpins the level of trust in public services and is therefore fundamental to the Council's relationship with customers and residents. Trust in public services is also influenced by the quality of services received and by how open and honest a Council is about its activities.

A framework for the implementation of good governance allows the Council to be clear about its approach to discharging its responsibilities and to promote this internally to officers and members and externally to partners, stakeholders and residents.

The governance framework comprises the Local Code of Corporate Governance, the member decision making structure, and the company governance protocol, and has been in place at the Council for the year ended 31 March 2023 and up to the date of approval of the annual report and statement of accounts.

The system of internal control is a significant part of the framework and is designed to manage risk to a reasonable level. It cannot eliminate all risk of failure to achieve policies, aims and objectives and can therefore only provide reasonable and not absolute assurance of effectiveness.

3. Review of effectiveness

The Council has responsibility for conducting, at least annually, a review of the effectiveness of its system of internal control.

The arrangements required for gathering assurances for the preparation of the AGS provide an opportunity for the Council to consider the robustness of the governance arrangements in place and to

consider this as a corporate issue that affects all parts of the Council. It also helps to highlight those areas where improvement is required, which are contained in the Improvement and Recovery Plan put in place following the Government intervention.

The review of effectiveness is informed by the work of the Corporate Leadership Team and Senior Managers within the Council who have responsibility for the development and maintenance of the governance environment, the Head of Internal Audit's Annual Report, and by input from the external auditors, other review agencies and inspectorates. Due to the workloads associated with the intervention and S114 report this has not taken place to extent that would have been desirable for the 2022/2023 year. This will be addressed more fully next year.

The Corporate Leadership Team review the arrangements in order to seek to provide an assurance that the Council is operating within local and statutory frameworks and have approved this statement.

A key weakness in the internal control process is that the audits of the accounts for 2019/20, 2020/21 and 2021/22 are not finalised, due partly to outstanding issues relating to the Group accounts and questions over the application of accounting policy, but also partly due to the resourcing issues affecting local authority auditors more broadly. The Council sought to address this issue with auditors during 2022/23 and obtain at least the Value for Money assessment opinion that is part of the audit work, but the auditors were unable to deliver this. The completion of the outstanding audits is subject to further work in 2023 with both the new auditors Grant Thornton, who take over from the 2023/24 accounts, and the previous auditors.

4. The governance framework

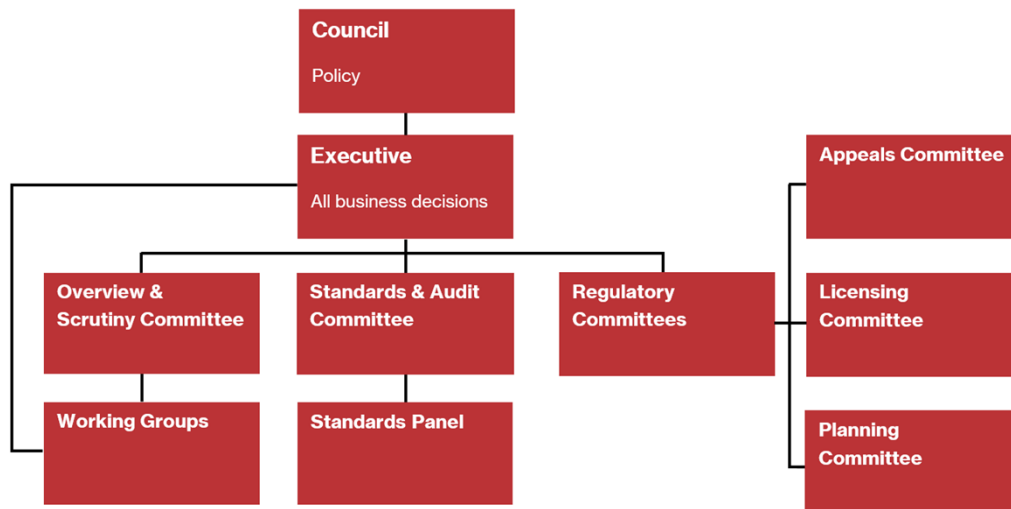
The Council operates a Leader and Executive system of governance, with an Overview and Scrutiny Committee in place to scrutinise the work of the Executive.

The May 2022 local elections resulted in a Liberal Democrat led Council, with the Council constituted of 16 Liberal Democrat, eight Conservative, three Labour, and three independent councillors.

The Council sets the Policies and Strategies for the Council and appoints the Leader of the Council, who then determines the appointment of the Deputy Leader and the members of the Executive.

The Executive acts within the approved policy framework and budget and leads preparation of new policies and budget. Each member of the Executive has a portfolio of work for which they take responsibility. The Council also has an Overview and Scrutiny Committee reviewing Executive decisions, Council services and other services in the Borough that affect the community of Woking. The other responsibilities of the Council are discharged through its non-executive committees and the Standards and Audit Committee.

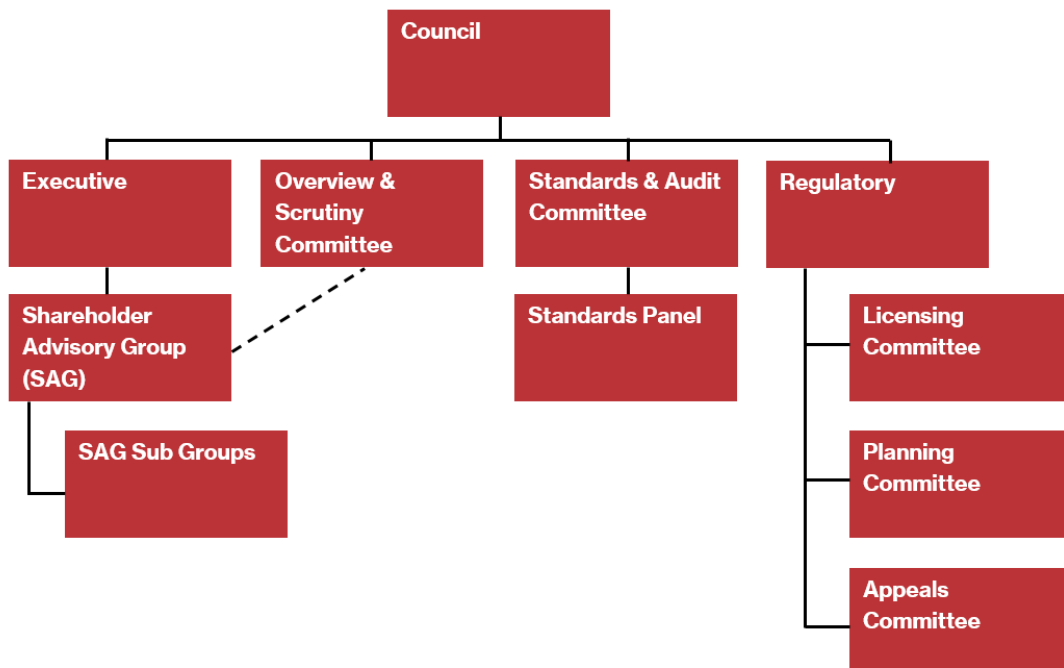
Arrangements for the Council's Member appointments to specific roles are open and set out in the Constitution. The Council elects the Leader who decides the composition and responsibilities of the Executive. The Council makes appointments to all committees. All terms of reference are published in the Constitution.



Company governance

The Council established a company structure over a number of years with the intention of delivering Council objectives in a more efficient and effective manner. Company business plans are approved by the Council and performance is reported through the Council’s Green Book monthly performance and financial monitoring information (which is in the process of being reviewed and replaced), and to Council working groups.

During 2022/23 there were Councillor, Officer and Independent Directors of the companies in accordance with the Company protocol adopted by the Council. A revised governance system was approved by the Council in July 2022 based on best practice guidance, which removes Councillor Directors, creates a Shareholder Advisory Group to provide oversight of Company activities, and appoints the Leader of the Council as the Council’s Shareholder Representative.



The arrangements were considered in the DLUHC non statutory review undertaken in January 2023 which found that the introduction of the Shareholder Liaison Service (SLS) and Shareholder Advisory Group (SAG), coupled with changes to directorships, gives greater comfort that the high level

governance of the Thamesway Group and Victoria Square Woking Ltd. is much improved. However, further development of the reporting content from the SLS to the SAG is required, in particular commercial risk analysis to underpin and fully inform decisions is necessary.

Further work is being undertaken in 2023/24 to strengthen and improve the commercial governance arrangements which will be reflected in the 2023/24 AGS.

Governance framework principles

There are seven principles and sub-principles of Corporate Governance contained in the CIPFA/SOLACE good governance framework and these have been adopted by the Council as set out below. Assurance for how they are met is provided in following sections.

Principle	Description of principle
A	Behaving with integrity, demonstrating strong commitment to ethical values and respecting the rule of law.
B	Ensuring openness and comprehensive stakeholder engagement.
C	Defining outcomes in terms of sustainable economic, social and environmental benefits.
D	Determining the interventions.
E	Developing the entity's capacity including the capability of its leadership and the individuals within it.
F	Managing risks and performance through robust internal control and strong public financial management.
G	Implementing good practices in transparency, reporting and audit to deliver effective accountability.

Principle A – Behaving with integrity, demonstrating strong commitment to ethical values, and respecting the rule of law

The Standards and Audit Committee oversees the democratic arrangements of the Council and is responsible for promoting and maintaining high standards of conduct by Members and assisting Members to observe the Members' Code of Conduct. The Responsibility for Functions (including the Scheme of Delegation) and Standing Orders require Members and officers to ensure that all decisions are compliant with internal policies and procedures, as well as with the law. These help ensure transparent decision-making, giving authority and certainty to the allocation of responsibilities as set out in the Constitution.

Part 5 of the Constitution contains the Code of Conduct for Members. In April 2021, the Council adopted the Local Government Association's Model Code of Conduct as revised during the year. To support the adoption of the Code of Conduct an annual review of The Arrangements for Dealing with Allegations of Misconduct by Councillors under the Localism Act 2021 was undertaken.

The Code of Conduct defines the standards of behaviour for Members and, as a condition of office, they are required to sign an undertaking that they shall observe the code for the duration of their term. The Monitoring Officer provides annual training on the Member Code of Conduct, which is delivered in May as part of the member induction training, and they are available to discuss any matters arising throughout the year. Member conduct is monitored by the Standards and Audit Committee, which has a remit to deal with complaints of breaches of the Member Code of Conduct through the Standards

Panel. All Members complete the register of interests and it is a standing item on all formal meeting agendas for both officers and Members.

A parallel Code of Conduct for officers sits in the suite of employee policies. The Council's Constitution contains an Officer Conflicts of Interest Protocol which brings together controls on officers' conflicts of interest contained in the Local Government Act 1972, Officer Employment Rules and the Code of Conduct. There is a comprehensive staff handbook and Behaviour and Skills Framework setting out the Council's expectations regarding behaviour and the procedures for non-compliance. Staff are made aware, through induction and the performance management framework, of the Authority's expectations in terms of standards of behaviour and compliance with agreed policies and codes of conduct.

Both codes for Members and Officers are in compliance with 'The Seven Principles of Public Life' which are included in the Localism Act 2011. The principles are selflessness, integrity, objectivity, accountability, openness, honesty and leadership. The general Council complaints policy and the Members' Code of Conduct complaints policy are published on the website and are easily accessible for the public.

Decision making is supported by advice from officers, financial and legal advice, and other appropriate professional advice together with internal guidance to ensure compliance with policies.

The statutory roles of the Chief Financial Officer (S151 officer) and the Monitoring Officer are set out in the Constitution and in the scheme of delegations. They provide oversight of propriety and lawfulness. They form part of the Corporate Leadership Team and there are monthly Statutory Officer Group meetings with the Chief Executive to discuss items that have significant legal, financial and reputational implications.

The Council's Contract Standing Orders and the Financial Regulations provide rules for lawful and sound processes for contract and spending decisions. These are managed by the Monitoring Officer and Chief Financial Officer. These Standing Orders help ensure transparency and a Governance framework in relation to how decisions are made.

The Council is clear about its leadership responsibilities for services, whether provided directly or through wholly or jointly owned companies, partners or third parties. We work closely with partners and influence third parties to make sure they deliver to agreed levels of quality and are accountable for what they do. We have a clear commitment to ensure services deliver an appropriate combination of quality, value and choice to the community.

The Scheme of Delegations within the Constitution requires Members and officers to ensure that all decisions are compliant with policies, procedures, laws and regulations. The key documents within the Governance and Policy Framework are maintained and regularly reviewed including the Constitution itself. A Governance Working Group has been set up for the 2023/2024 municipal year to discuss proposed constitutional reviews.

Principle B – Ensuring openness and comprehensive stakeholder engagement

The Constitution clearly defines the purpose of community leadership, effective scrutiny, and public accountability in terms of roles and responsibilities and functions. The Council is committed to openness and acting in the public interest.

The Council is the ultimate decision-making body and the principal forum for political debate. Formal meetings of the Council, Executive, Overview and Scrutiny, Planning, Licensing, and Standards and Audit Committees are webcast and recordings are available afterwards to view through the website. Agendas and reports for Executive and committee meetings are published at least five clear working days in advance of the meetings.

The Forward Plan describes all significant decisions planned to be taken in the following four months and is published and updated at least monthly. The Forward Plan is used by the Overview and Scrutiny Committee to help plan business. This ensures early awareness of, and engagement with, key issues for all Members.

The Constitution provides for members of the public to ask questions of the Executive and Council at their respective meetings. Petitions may also be put to the Council with the Constitution setting out how these are considered depending on the number of signatures.

The Council is committed to working with residents, businesses, communities, service users, and partners to help prioritise what it does, to give them a say over the approach, and to give them the chance to get involved in delivery and change. This requires sound arrangements for engagement and consultation.

The Council uses a variety of ways to engage residents and other stakeholders. Publications (printed and digital), press releases and social media are used to keep people informed of plans or decisions. The Council carries out engagement via questionnaires, public events, workshops, focus groups, satisfaction surveys and feedback forms, and has introduced an online 'Civic' forum to more officially engage with residents. In addition, the Council has a dedicated consultation and engagement website ([Woking Community Forum](#)) which hosts all current and past consultations, a recent example being the comprehensive Masterplan consultation in 2022. Formal consultation will be undertaken where there is a statutory duty or legitimate expectation to consult and where there is a service or policy need to do so.

The Council has taken significant action to increase the effectiveness of public engagement and communication over the past year and to ensure that engagement is embedded into the Council's culture and working practices.

The Council works with a range of stakeholders. This includes a range of public bodies, local authorities, the NHS, and Surrey Police. Other tiers of local government are important partners in many areas of service delivery, strategic planning, and community development. There are both formal and informal forums in place for regular liaison with elected Members and senior officers in the neighbouring district and borough councils, including regular meetings of all the leaders of the councils to discuss issues of common interest.

The Council is a member of the North West Surrey Alliance Partnership which is focussed on improving health outcomes for residents.

Principle C – Defining outcomes in terms of sustainable economic, social and environmental benefits

The Council has adopted a Corporate Strategy for 2022-2027. The Woking for All strategy commits the Council to a set of strategic objectives between 2022 and 2027 that give clear direction to residents, businesses, partner organisations and council staff, based around four community-based themes.

- Healthier Communities

- Engaged Communities

- Greener Communities

- Prospering Communities

Underpinning these community-based themes is an overarching 'high performing council' theme which ensures the council delivers the best outcomes from its funds and assets.

A supplementary strategy that sets out the new administration's key priorities for the year ahead was adopted by the Executive on 16 June 2022 and by Council on 21 July 2022.

The Woking for All supplementary and amended priorities strategy sets out 23 key policy priorities for 2022 and 2023, which complement the Woking for All 2022-27 strategy, adopted earlier in 2022.

Development of the strategy followed a series of community engagement roadshows held during November and December 2021, complimented by a comprehensive online public questionnaire hosted on the Council's engagement hub, Woking Community Forum.

The key priorities identified by communities during this process helped develop the strategic objectives for the next five years, as well as the priority actions for 2022 and 2023, providing a comprehensive and integrated approach to service and financial planning.

The Woking for All strategy will be reviewed annually to ensure the strategic objectives remain relevant and annual priority actions to deliver the objectives are agreed and set. The Corporate Strategy reflects the key priorities and strategies already in place.

The Core Strategy, adopted in October 2012, sets out the vision for Woking to 2027. The strategy has been communicated widely internally to local partners and to the wider community through interest groups. It is also available on our website.

The Authority's Climate Change Strategy, Woking 2050, balances our environmental aspirations with the Borough's needs for development and economic prosperity. The aim of the strategy is to coordinate a wide range of objectives which can be used by the Council and Woking's residents, businesses, community groups and others to reduce the Borough's impact on the environment.

The Council has also prepared Natural Woking, a biodiversity and green infrastructure strategy for the area. This seeks positive outcomes for habitats and people by enhancing provision of and accessibility to green spaces, conserving appropriate existing biodiversity and habitats, and creating opportunities for species to return to the Borough.

The Economic Development Strategy was approved by Council in April 2017 and covers the period to 2022 while considering the vision to 2050. The Strategy's objectives are to encourage business development growth and inward investment in the Borough. Additionally, the Strategy supports the creation of jobs, stimulating the economy, as well as generating income for the Council (to support service provision). A Framework for Recovery in response to the pandemic was approved and implemented in 2020. The Economic Development Action Plan was approved in September 2021. It is an interim plan to take us to 2023 when a new or updated economic development strategy will be adopted. This Economic Development Action Plan complements key strategies and plans we have already published including the Core Strategy, the Economic Development Strategy for Woking 2017-2022 and the Woking for All Strategy.

Capital and Investment and Treasury Management Strategies are approved annually. These provide details on the overall approach to the capital programme including explaining the purpose of the Council investments.

The Council has been able to protect services in recent years, seeking to achieve efficiencies and increase income generation where there have been budget pressures. This situation will change significantly. During 2023/24, the Council has been subject to intervention and subsequently has an Improvement and Recovery Plan in place. The vision for Woking and the Corporate Strategy will need revising in light of the adoption of a new MTFs and the Improvement and Recovery Plan, and this will be reported in next years AGS.

Principle D – Determining the interventions necessary to optimise the achievement of the intended outcomes

An MTFs is prepared on at least an annual basis and updated as circumstances change. It is linked to the annual budget and service strategies.

Directorate service planning is closely aligned to the budgeting process and identifies service developments and the associated financial impacts. Key performance indicators are set and monitored during the year.

The MTFS was updated regularly during 2022/23, recognising that the Covid-19 crisis was still causing significant financial uncertainty which required a revised strategy to establish a sustainable future plan. The MTFS was updated in July 2023 and this regular reporting shall continue as part of the Council's integrated service and financial planning cycle.

Although this July 2023 report is outside the period of this AGS, the S114 notice tabled as part of that report is significant and reflects back on the controls and assurance in place in the years prior to 2022/23. The level of the estimated deficit declared in that report at £1.2 billion, arising from the debt taken out by the Council in support of its regeneration objectives (both via its companies and directly) calls into question the balanced operation and objectivity of controls in place to govern the Council.

The Council had already started to take action to reduce its spending in 2022 in the light of the emerging financial issues: it established the Fit for the Future programme which is identifying a new way of working to explore operational efficiencies, learning from others and engineering digital innovation.

Executive decision reports provide a public record of all significant decisions to implement service plans and spend. They are required to show the intended outcomes, the rationale for the proposal, implications for Council resources, other options considered, advice received, consultation undertaken and how risks are managed.

The Council is proactive in working together with partners and considering the most effective way for services to be provided within the community, whether that be by the Council direct or through third parties.

Principle E – Developing the entity's capacity, including the capability of its leadership and the individuals within it

There is a comprehensive training programme for Members. The Council's commitment to Member development was first comprehensively assessed by South East Employers in 2008. Since then Woking has successfully maintained Charter status for Elected Member Development and was assessed for reaccreditation in 2018 and was again awarded the Charter. The Council is committed to continually improving its member development programme.

Statutory roles include the designation of the Chief Executive as Head of Paid Service, the Director of Legal and Democratic Services as the Monitoring Officer and the Finance Director as S151 officer.

Personal development priorities are agreed through a personal development review process. The Performance and Development Review process is embedded in the Council with annual assessments completed by all officers. The process incorporates the Council's Behaviour and Skills framework and helps to determine the Learning and Development programme. There is an established programme of induction training for new staff. Training is available increasingly through an online learning system. During 2022/23 the Council implemented a performance system for progressing through pay grades.

The Council was reassessed by Investors in People during 2022/23. The Council retained an accreditation but this was reduced to the Bronze level of accreditation from the previously accredited Silver level

A programme of management development was introduced following the 2015 Peer Review to support future leaders and succession planning. This programme was extended to further staff during 2020/21 and is currently subject to review.

Active monitoring of performance is undertaken through regular reviews of Directorate service plans, and with all staff through individual staff performance conversations. The Performance Framework is owned by Members and officers. The content is communicated to a wide audience in order to ensure that these key priorities are understood and translated into operational outcomes, and the framework is available via the Council's website.

Principle F – Managing risks and performance through robust internal control and strong public financial management

The Constitution sets out the rules to ensure robust internal control over the Council's finances. The system and arrangements for financial performance management are the means of internal monitoring and control. However, the size and scale of the S114 deficit and the extent to which it arose from borrowing, largely through Council owned companies, points to a significant weakness in the years prior to 2022 in the performance and risk management of those companies. The Council did not have clear enough monitoring arrangements or the capability and capacity of staff to oversee the complex commercial arrangements it had put in place.

The complex company arrangements have also, as noted, contributed to three year's accounts not yet being signed off by the external auditors.

The system of internal financial control is based on a framework of financial regulations and procedures. Control is maintained through regular management information, management supervision, and a structure of delegation and accountability. However, prior to 2023, the Council did not formally assess its compliance with the CIPFA Financial Management Code. There is a fundamental review of the improvement plan needed for the finance function underway in 2023 as one of the workstreams of the overall Improvement and Recovery Plan agreed with the Commissioners.

The MTFs report published in February 2023 recognised a change in the assessment of the strength of the Council's finances and financial arrangements, paving the way for a more comprehensive statement in the S114 notice in June 2023.

The Council has a whistle blowing policy (called the Confidential Reporting Policy) which is updated and promoted internally regularly. The Council's counter-fraud strategy and fraud risk assessment has not been updated for several years.

The Council adopted an updated Risk Management policy in September 2021 to ensure that the Council's approach to risk management reflects best practice (and remains an essential component of strong governance and robust business management). The appropriate management of risk is a fundamental element of the Council's ability to provide cost effective, quality services and to deliver its corporate priority outcomes. To achieve this, sound risk management practices are firmly embedded within the culture of the Council, providing a proportionate and effective mechanism for the identification, assessment and, where appropriate, management of risk. The system of internal control is a part of the governance framework and is designed to manage risk to a reasonable level. It cannot eliminate all risk of failure to achieve policies, aims and objectives and can therefore only provide reasonable and not absolute assurance of effectiveness. The system of internal control is based on an ongoing process designed to identify and prioritise the risks to the achievement of the Council's policies, aims and objectives, to evaluate the likelihood of those risks being realised and the impact should they be realised, and to manage them efficiently, effectively and economically.

Formal Risk Management arrangements include the setting up of a project workbook with an embedded risk register for every new project to provide for risk identification, analysis, ownership and mitigating actions. An annual risk report is provided to the Executive. The Corporate Leadership Team review the Strategic Risk Register. Committee reports identify and quantify risks associated with a proposal.

A key part of the work being carried out in 2023/24 is to review the overall assurance framework and delivery. Again this will be reported in the 2023/24 AGS.

Principle G – Implementing good practices in transparency, reporting, and audit to deliver effective accountability

All meetings of the Full Council and of the committees which discharge executive, non-executive or scrutiny functions take place in public and have their reports and minutes published on the Council's website. Decisions, agendas and reports are published on the website and are available to the press and public. This is driven by the publication of the Forward Plan of key decisions. A limited number of reports are considered in private session, only when the subject meets the prescribed criteria.

The Standards and Audit Committee undertakes the functions of an audit committee. This includes reviewing the findings of Internal Audit. The Committee meets regularly and in public and holds officers to account for the timely implementation of agreed audit actions.

The Council maintains an overview of the effectiveness of its governance framework including the system of internal control. The overview is informed by the managers who have responsibility for the development and maintenance of the governance processes, Internal Audit reviews, and by comments made by the external auditor and other review agencies and inspectorates. This overview would benefit from a more systematic, formal and recorded review process from 2023/24 and going forward.

These findings are brought together within this AGS and are reported annually to the Standards and Audit Committee, which undertakes the functions of an audit committee as identified in CIPFA's *Audit Committee – Practical Guidance for Local Authorities*.

Processes for information governance are in place internally and information is easily accessible on the website with regards to Freedom of Information requests and Data Protection. The Director of Legal and Democratic Services continues to have oversight and ensures compliance with GDPR.

The Council's ICT and Cyber Security Systems are in place with regular updates and reminders sent to staff. Training on cyber security for staff is in place.

The Council's Internal Audit Service (undertaken by Mazars) carries out a programme of independent reviews. Their work is based around the core risks faced by the Council and includes work on financial and non-financial systems, corporate programmes and partnerships. This includes adherence to established policies, procedures, laws and regulations. The Head of Internal Audit (HIA) role is performed by Mazars. An annual report by the HIA on the overall adequacy of the control environment is considered by the Standards and Audit committee. Internal Audit provide updates at each Standards and Audit meeting and CLT on a quarterly basis or as required. The Council's internal audit plan is a risk based plan taking into account risks identified through the risk register as well as other factors such as audit knowledge of service delivery, and areas highlighted by CLT. This enables the allocation of audit resources. An annual risk management report is provided to the Executive. The Council ensures that risk management and internal control processes are regularly considered by Internal Audit as part of the annual programme of work.

As referenced above, it remains a frustration to residents and stakeholders that there are not audited accounts available and reported concerns about the levels of transparency associated with historic decision making.

5. Roles and responsibilities

The Council has approved a Constitution which defines and documents the roles and responsibilities of the Authority, the Executive, Overview and Scrutiny and officer functions, with clear delegation arrangements and protocols for decision making and communication, and codes of conduct defining the standards of behaviour for Members and staff. Delegations are recorded in accordance with the relevant regulations.

The Thamesway Group of companies was originally established by the Council to assist in the delivery of the Council's strategic objectives with a view to securing benefits for the residents of the Borough. The Council and the Boards of the Thamesway Group of companies have approved a set of protocols designed to make the activities of the companies open and transparent in the context of the commercial environment in which the companies operate. The Council has recently established the Shareholder Advisory Group to exercise its shareholder function.

The Group Business Plans are approved by the Council annually. Group Company information is included in the monthly performance and financial monitoring information (Green Book). It is accepted that the Green Book does not provide adequate monitoring information and this is being addressed in 2023/24.

The senior management of the Council is structured to provide clear responsibility and accountability at both strategic (Corporate Leadership Team, CLT) and operational (Senior Manager) levels.

The CLT comprises the Chief Executive, the Strategic Directors – of Corporate Resources, Communities, and Place – the Finance Director, and the Director of Democratic and Legal Services. Each has allocated responsibilities to ensure a clear chain for decision making and actions to implement those responsibilities. The Chief Executive is the Head of Paid Service under the terms of the Local Government & Housing Act 1989. The Director of Democratic and Legal Services is the designated Monitoring Officer and is responsible for ensuring that the Council acts in accordance with the Constitution. The Finance Director is nominated in accordance with Section 151 of the Local Government Act 1972.

The Head of Internal Audit, provided through a framework contract with Mazars, has direct access to the Finance Director, the Chief Executive, and other CLT members and reports to Members through the Standards and Audit Committee. These arrangements are in accordance with CIPFA's guidance in their publications 'Role of the Chief Financial Officer' and 'Role of the Head of Internal Audit'.

6. Assurance and Significant Governance Issues

No assurance can ever be absolute; however, this statement recognises that significant governance issues existed in and prior to 2022/23. These issues were being highlighted through 2022/23, and the subsequent S114 Notice and statutory intervention from the Secretary of State have identified more significant and substantive issues. A governance and assurance workstream exists within the Improvement and Recovery Programme adopted in 2023/24.

The Internal Audit Annual Report and Opinion provides an opinion on the adequacy of the Council's control environment as a contribution to the proper, economic, efficient and effective use of resources. The Council must undertake an effective internal audit to evaluate the effectiveness of its risk management, control and governance processes, taking into account public sector internal auditing standards or guidance.

For the year 2022/23, the internal auditors combined their own findings with the DLUHC report findings from the beginning of the year to conclude an **Unsatisfactory** opinion on the Council's risk management and control environment/framework. Taking a section from the annual report:

"Based on the findings from the Department for Levelling Up, Housing and Communities (DLUHC) "Governance, Financial and Commercial Review of Woking Borough Council, May 2023" and the "Section 114 (3) of the Local Government Finance Act 1988, June 2023", it is evident that the Council is facing significant financial challenges.

The DLUHC report highlights that "despite the new leadership team's ambitions for redevelopment and innovation, the Council's financial predicament is concerning, characterised by a significant debt portfolio, decreased asset values, and a considerable financial deficit".

The report also identified challenges in the Council's internal control framework, governance arrangements, and risk management processes. For example, the report states that "as a result of past investment decisions, the Council has failed its best value duty leaving an unprecedented legacy for the current Leadership Team, which they have not been able to address to prevent financial failure". Similarly, "the historic governance processes may not have provided the necessary oversight for decision making related to Victoria Square and the Sheerwater Regeneration Project".

Risk management processes were also mentioned as "the arrangements put in place for Victoria Square and Sheerwater were taken without an adequate assessment of the risks to the Council or a full assessment of the legal considerations, including state aid/subsidy, best value consideration and the structure of the financing arrangements".

This report highlights that the Council needs to enhance its internal control framework, governance arrangements, and risk management processes.

The above, taken alongside the findings of the audit work conducted in the Plan, lead us to an

Unsatisfactory opinion on the framework of governance, risk management, and control is in its overall adequacy and effectiveness. There are fundamental weaknesses in the framework of governance, risk management and control such that it is inadequate and ineffective or is likely to fail.”

When being subject to individual internal audit engagements, the Council would aim that many should achieve ‘substantial’ assurance – which indicates adequate and effective levels of control. However, of the 10 2022/23 internal audit engagements, only two resulted in ‘substantial’ assurance. The auditors made 61 recommendations in 2022/23, 14 of which were designated as high priority. Controls need to improve at this level as well as corporately.

The broader corporate weaknesses in governance are, as the Internal Audit review indicated, part of the DLUHC review that now has a comprehensive Improvement and Recovery Plan agreed with Commissioners, published and being implemented and monitored.

The Council will continue to regularly monitor issues that may seriously prejudice or prevent achievement of its key objectives through its strategic risk review process.

Both governance and internal control arrangements must be kept under review to ensure that they continue to operate effectively, meet changing legislative needs and reflect best practice and our intention to achieve excellence in all our activities. The Council has identified the following areas for enhancement of the Council’s governance requiring action in order to ensure arrangements are robust for the future:

-
- The [Improvement and Recovery Plan](#) identifies four workstreams (Financial Recovery, Organisation and Service Redesign, Commercial, and Governance and Assurance) that the Council is advancing to provide the organisation with a clear direction for its improvement journey.
-
- The weaknesses in corporate governance identified in this statement are part of the DLUHC review that now has a comprehensive Improvement and Recovery Plan agreed with Commissioners, published and being implemented and monitored.
-
- The AGS assurance process itself will be reviewed and strengthened during 2023/ 2024 before next year’s reporting cycle.
-
- A Further Constitutional Review, a thorough review of the Council’s Constitution, was completed in early 2023 but it is acknowledged that further improvements are required some of which are underway and which will initially be considered by the Corporate Governance Working Group.
-
- Company Governance: ensure that the Company Governance Arrangements adopted in July 2022 are developed further and to conduct a full review of all Council owned companies.
-
- CIPFA Financial Management Code: ensure that the Council’s governance arrangements comply with the Financial Management Code which has been published by (CIPFA).
-
- Grant Thornton Best Value Review: following the intervention and issuing of the S114 report, the Council has commissioned a best value review which is currently being undertaken by Grant Thornton and will report back in public.
-

-
- LGA assistance/Overview and Scrutiny Review/Standards and Audit review: the LGA is assisting the Council with a review of the Overview and Scrutiny function to include mentoring support for the committee chair and vice chair, a rapid review by the Centre for Governance & Scrutiny (CFGS), implementation of an improvement plan and additional training. Assistance from the LGA on reviewing and strengthening the Standards and Audit Committee to include reviewing the role of the independent member of the committee and support the committee in undertaking an assurance mapping exercise.
 - Review of Part II Documents: a thorough review of all Part II documents from January 2016 to date is underway and all material suitable for release will be uploaded onto the Council's website.
-

These will be monitored via the Improvement and Recovery programme, which reports monthly into the Improvement and Recovery Board, and Commissioners will then report to the Executive and Full Council.

7. Conclusion

This statement reflects the position in 2022/23 prior to Government intervention and the development of an Improvement and Recovery Plan with Commissioners which was agreed by Full Council on 22 August 2023. Clearly this plan demonstrates significant weakness in the Council's governance and financial arrangements in the years prior to 2022. We are satisfied that with the Improvement and Recovery Plan the Council will have in place the necessary practices and procedures for a comprehensive governance framework. The actions above will deliver further improvements and we will continue to monitor, evaluate and report on progress as part of quarterly monitoring of the Improvement and Recovery Plan to Council and Government.

Leader of the Council
Cllr Ann-Marie Barker
15th November 2023

Chief Executive
Julie Fisher
15th November 2023

Woking Borough Council

Local Code of Corporate Governance



Introduction

Woking Borough Council recognises the need to ensure that its affairs are managed in a way which achieves the highest standards of corporate governance.

This Code sets out for members and officers the main principles of good governance for Woking Borough Council.

What is Corporate Governance?

Governance comprises the arrangements put in place to ensure the intended outcomes for stakeholders are defined and achieved.

Good governance is how the Council ensures that it is doing the right things, in the right way, for the right people, in a timely, inclusive, open, honest and accountable manner. It comprises the systems, processes, cultures and values by which the Council is directed and controlled. Through effective governance the Council is accountable to, engages with and, where applicable, leads the community.

What is the Purpose of the Code?

This Code is intended to support political and officer leadership with developing and maintaining robust governance across the whole governance system.

The Code is the framework within which the Council is accountable to its users, stakeholders and the wider community. It sets out and describes the way in which the Council carries out its functions through its members and officers, and the procedures and processes through which it undertakes its work, and through which it aims to establish and maintain public confidence.

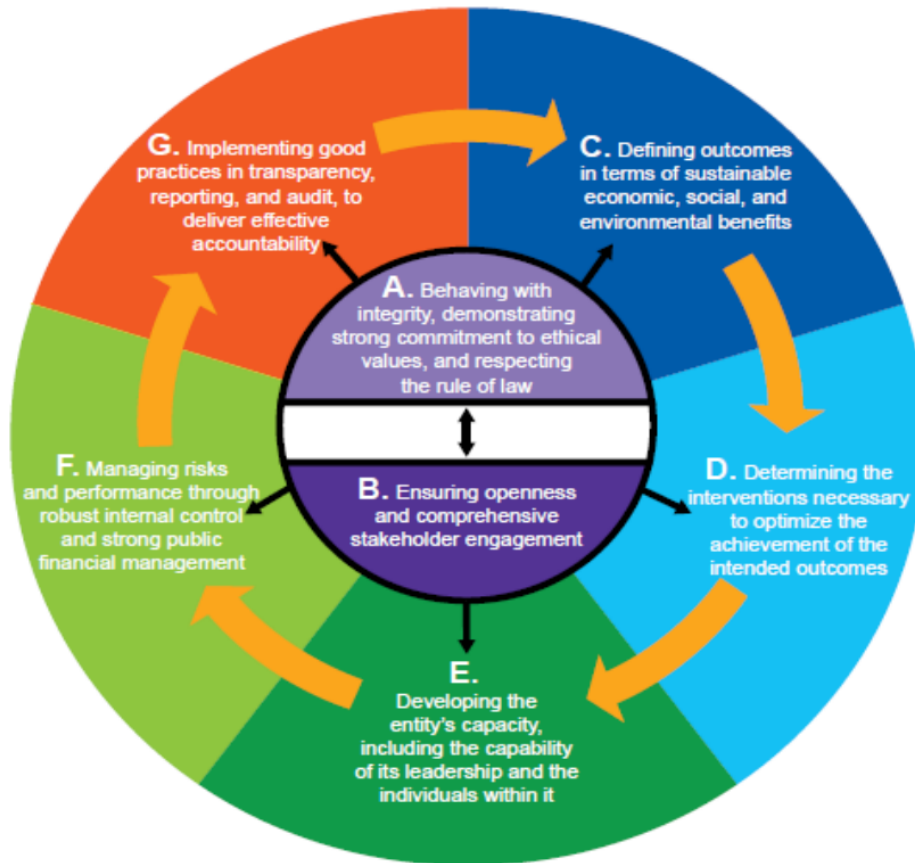
What is the Code based upon?

It is based on existing good practice within the Council and is consistent with the CIPFA framework for Delivering Good Governance in Local Government (CIPFA/Solace, 2016)

The Council is committed to the principles of good governance, and has adopted the seven core principles of the CIPFA and SOLACE framework as follows:

- Behaving with Integrity
- Ensuring Openness
- Defining Outcomes
- Determining effective interventions
- Developing Capacity
- Managing Risks and Performance
- implementing good practices
- Transparent and Effective Accountability

The diagram below, taken from the International Framework: Good Governance in the Public Sector (CIPFA/IFAC, 2014) (the 'International Framework'), illustrates how the various principles of good governance in the public sector relate to each other.



Full details of the seven principles with the respective sub-principles, together with the actions and behaviours that can demonstrate compliance is provided in the Council's Annual Governance Statement and accompanying detailed analysis.

How does Woking ensure good governance?

The Council's approach to governance takes account of the environment in which it operates. The Council's aim is to ensure resources are directed in accordance with agreed policy and priorities; there is sound and inclusive decision making; and there is clear accountability for the use of those resources in order to achieve desired outcomes for service users and communities.

All Members have an important role to play in representing their constituents, as well as acting together as the Council. Officers serve the Council as a corporate body rather than any political group, combination of groups, or individual member.

Members and Officers should work in an atmosphere of mutual trust and respect. Members determine the Council's policies and Officers are responsible for implementing decisions taken by the Council, Leader, Executive and / or the appropriate committee as well as taking decisions delegated to them under the Scheme of Delegation. The Overview and Scrutiny Committee reviews and scrutinises the Council's performance.

In discharging these duties all parties should act in an open, honest and transparent manner.

The Council seeks to ensure the highest standards are met, and governance arrangements are not only sound but are seen to be sound.

Who is accountable for corporate governance?

All members and officers are expected to commit to the Council's principles of good governance; however, there are specific responsibilities for the following individuals and groups:

The Corporate Leadership Team has a collective responsibility for good governance, but this is underpinned by the role of the three statutory officers of the Council:

- Head of Paid Service – Chief Executive
- Monitoring Officer – Director of Legal and Democratic Services
- Section 151 Officer – Finance Director

Chief officers are responsible for the policies and procedures which form part of this Code and that fall within their functional responsibilities. Each chief officer is supported by senior managers who are responsible for ensuring that the relevant policies and procedures are up to date, are being complied with and are effective in achieving good governance.

Most of the arrangements are set out in the Council's constitution and supporting policies and documentation. However, the Council recognises that these arrangements must be kept up-to-date and need to be kept under review to ensure that they remain appropriate and are improved where possible. Without proper monitoring, the effectiveness of the Council's arrangements could be compromised so the Council will ensure that systems are in place to monitor compliance with the agreed processes and procedures including the Annual Governance Statement.

Who has responsibility for maintaining the Code?

To ensure the Code is effectively maintained, we will:

- Update the Code with developments in best practice and leading guidance
- Undertake an annual review of Corporate Governance that incorporates the Annual Governance Statement

The Standards and Audit Committee will have responsibility for providing assurance to Council in respect of:

- The effectiveness of the Council's Corporate Governance arrangements
- The approval of the Annual Governance Statement
- The effectiveness of the Council's financial and non-financial performance