



Jacqui Sinnott-Lacey  
Chief Operating Officer

52 Derby Street  
Ormskirk  
West Lancashire  
L39 2DF

Monday, 16 October 2023

**TO: COUNCILLORS M ANDERSON, M PARLOUR, D DANIELS, J FILLIS, MARSH-PRITCHARD, S PATEL, E POPE, D WEST AND D WHITTINGTON**

Dear Councillor,

A meeting of the **AUDIT & GOVERNANCE COMMITTEE** will be held in the **CABINET/COMMITTEE ROOM - 52 DERBY STREET, ORMSKIRK L39 2DF** on **TUESDAY, 24 OCTOBER 2023 at 7.00 PM** at which your attendance is requested.

Yours faithfully

A handwritten signature in black ink, appearing to be 'JSL', written over a faint circular stamp.

Jacqui Sinnott-Lacey  
Chief Operating Officer

**AGENDA**  
**(Open to the Public)**

- 1. APOLOGIES**
- 2. MEMBERSHIP OF THE COMMITTEE**  
To be apprised of any changes to the membership of the Committee in accordance with Council Procedure Rule 4.
- 3. URGENT BUSINESS**  
Note, no other business is permitted unless, by reason of special circumstances, which shall be specified at the meeting, the Chairman is of the opinion that the item(s) should be considered as a matter of urgency.

<b>4.</b>	<b>DECLARATIONS OF INTEREST</b> If a Member requires advice on Declarations of Interest, he/she is advised to contact the Legal and Democratic Services Manager in advance of the meeting. (For the assistance of members a checklist for use in considering their position on any particular item is included at the end of this agenda sheet).	191 - 192
<b>5.</b>	<b>MINUTES OF PREVIOUS MEETING</b> To receive as a correct record, the minutes of the meeting held on 26 July 2023.	193 - 196
<b>6.</b>	<b>PUBLIC SPEAKING</b> Residents of West Lancashire on giving notice, may address the meeting to make representations on any item on the agenda except where the public and press are to be excluded during consideration of the item. The deadline for submission is 10.00am on Friday 21 October 2023.	197 - 202
<b>7.</b>	<b>INTERNAL AUDIT ACTIVITIES – PROGRESS REPORT</b> Report of the Corporate Director of Transformation, Housing & Resources.	203 - 214
<b>8.</b>	<b>ANNUAL REPORT OF THE SENIOR INFORMATION RISK OWNER (SIRO) – 2022/23</b> To consider the report of the Corporate Director of Transformation, Housing & Resources.	215 - 236
<b>9.</b>	<b>LOCAL CODE OF GOVERNANCE</b> Report of the Corporate Director of Transformation, Housing & Resources.	237 - 252
<b>10.</b>	<b>QUARTERLY REPORT ON PROCUREMENT EXEMPTIONS</b> Report of the Corporate Director of Transformation, Housing & Resources.	253 - 258
<b>11.</b>	<b>REGULATION OF INVESTIGATORY POWERS (RIPA) ACT REGULAR MONITORING OF USE OF POWERS</b> To consider the report of the Legal & Democratic Services Manager.	259 - 260
<b>13.</b>	<b>AUDIT AND GOVERNANCE COMMITTEE WORK PROGRAMME</b> To note the work program and consider any amendments or additional items for inclusion.	261 - 262

**We can provide this document, upon request, on audiotape, in large print, in Braille and in other languages.**

**FIRE EVACUATION PROCEDURE: Please see attached sheet.**

**MOBILE PHONES: These should be switched off or to 'silent' at all meetings.**

For further information, please contact:-

Duncan Jowitt on 01695 583495

Or email [duncan.jowitt@westlancs.gov.uk](mailto:duncan.jowitt@westlancs.gov.uk)

**FIRE EVACUATION PROCEDURE FOR:  
COUNCIL MEETINGS WHERE OFFICERS ARE PRESENT  
(52 DERBY STREET, ORMSKIRK)**

**PERSON IN CHARGE:** Most Senior Officer Present  
**ZONE WARDEN:** Member Services Officer / Lawyer  
**DOOR WARDEN(S)** Usher / Caretaker

**IF YOU DISCOVER A FIRE**

1. Operate the nearest **FIRE CALL POINT** by breaking the glass.
2. Attack the fire with the extinguishers provided only if you have been trained and it is safe to do so. **Do not** take risks.

**ON HEARING THE FIRE ALARM**

1. Leave the building via the **NEAREST SAFE EXIT**. **Do not stop** to collect personal belongings.
2. Proceed to the **ASSEMBLY POINT** on the car park and report your presence to the **PERSON IN CHARGE**.
3. **Do NOT** return to the premises until authorised to do so by the **PERSON IN CHARGE**.

**NOTES:**

Officers are required to direct all visitors regarding these procedures i.e. exit routes and place of assembly.

The only persons not required to report to the Assembly Point are the Door Wardens.

**CHECKLIST FOR PERSON IN CHARGE**

1. Advise other interested parties present that you are the person in charge in the event of an evacuation.
2. Make yourself familiar with the location of the fire escape routes and inform any interested parties of the escape routes.
3. Make yourself familiar with the location of the assembly point and inform any interested parties of that location.
4. Make yourself familiar with the location of the fire alarm and detection control panel.
5. Ensure that the zone warden and door wardens are aware of their roles and responsibilities.
6. Arrange for a register of attendance to be completed (if considered appropriate / practicable).

**IN THE EVENT OF A FIRE, OR THE FIRE ALARM BEING SOUNDED**

1. Ensure that the room in which the meeting is being held is cleared of all persons.
2. Evacuate via the nearest safe Fire Exit and proceed to the **ASSEMBLY POINT** in the car park.
3. Delegate a person at the **ASSEMBLY POINT** who will proceed to **HOME CARE LINK** in order to ensure that a back-up call is made to the **FIRE BRIGADE**.
4. Delegate another person to ensure that **DOOR WARDENS** have been posted outside the relevant Fire Exit Doors.

5. Ensure that the **ZONE WARDEN** has reported to you on the results of his checks, **i.e.** that the rooms in use have been cleared of all persons.
6. If an Attendance Register has been taken, take a **ROLL CALL**.
7. Report the results of these checks to the Fire and Rescue Service on arrival and inform them of the location of the **FIRE ALARM CONTROL PANEL**.
8. Authorise return to the building only when it is cleared to do so by the **FIRE AND RESCUE SERVICE OFFICER IN CHARGE**. Inform the **DOOR WARDENS** to allow re-entry to the building.

**NOTE:**

The Fire Alarm system will automatically call the Fire Brigade. The purpose of the 999 back-up call is to meet a requirement of the Fire Precautions Act to supplement the automatic call.

**CHECKLIST FOR ZONE WARDEN**

1. Carry out a physical check of the rooms being used for the meeting, including adjacent toilets, kitchen.
2. Ensure that **ALL PERSONS**, both officers and members of the public are made aware of the **FIRE ALERT**.
3. Ensure that **ALL PERSONS** evacuate **IMMEDIATELY**, in accordance with the **FIRE EVACUATION PROCEDURE**.
4. Proceed to the **ASSEMBLY POINT** and report to the **PERSON IN CHARGE** that the rooms within your control have been cleared.
5. Assist the **PERSON IN CHARGE** to discharge their duties.

It is desirable that the **ZONE WARDEN** should be an **OFFICER** who is normally based in this building and is familiar with the layout of the rooms to be checked.

**INSTRUCTIONS FOR DOOR WARDENS**

1. Stand outside the **FIRE EXIT DOOR(S)**
2. Keep the **FIRE EXIT DOOR SHUT**.
3. Ensure that **NO PERSON**, whether staff or public enters the building until **YOU** are told by the **PERSON IN CHARGE** that it is safe to do so.
4. If anyone attempts to enter the premises, report this to the **PERSON IN CHARGE**.
5. Do not leave the door **UNATTENDED**.



# Agenda Item 4

## MEMBERS INTERESTS 2012

A Member with a disclosable pecuniary interest in any matter considered at a meeting must disclose the interest to the meeting at which they are present, except where it has been entered on the Register.

A Member with a non pecuniary or pecuniary interest in any business of the Council must disclose the existence and nature of that interest at commencement of consideration or when the interest becomes apparent.

Where sensitive information relating to an interest is not registered in the register, you must indicate that you have an interest, but need not disclose the sensitive information.

Please tick relevant boxes

Notes

	General		Notes
1.	I have a disclosable pecuniary interest.	<input type="checkbox"/>	<i>You cannot speak or vote and must withdraw unless you have also ticked 5 below</i>
2.	I have a non-pecuniary interest.	<input type="checkbox"/>	<i>You may speak and vote</i>
3.	I have a pecuniary interest <b>because</b> it affects my financial position or the financial position of a connected person or, a body described in 10.1(1)(i) and (ii) <b>and</b> the interest is one which a member of the public with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice my judgement of the public interest or it relates to the determining of any approval consent, licence, permission or registration in relation to me or a connected person or, a body described in 10.1(1)(i) and (ii) <b>and</b> the interest is one which a member of the public with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice my judgement of the public interest	<input type="checkbox"/>          <input type="checkbox"/>	<i>You cannot speak or vote and must withdraw unless you have also ticked 5 or 6 below</i>          <i>You cannot speak or vote and must withdraw unless you have also ticked 5 or 6 below</i>
4.	I have a disclosable pecuniary interest (Dispensation 20/09/16) or a pecuniary interest but it relates to the functions of my Council in respect of:  (i) Housing where I am a tenant of the Council, and those functions do not relate particularly to my tenancy or lease.  (ii) school meals, or school transport and travelling expenses where I am a parent or guardian of a child in full time education, or are a parent governor of a school, and it does not relate particularly to the school which the child attends.  (iii) Statutory sick pay where I am in receipt or entitled to receipt of such pay.  (iv) An allowance, payment or indemnity given to Members  (v) Any ceremonial honour given to Members  (vi) Setting Council tax or a precept under the LGFA 1992	<input type="checkbox"/>          <input type="checkbox"/>          <input type="checkbox"/>          <input type="checkbox"/>          <input type="checkbox"/>          <input type="checkbox"/>	<i>You may speak and vote</i>          <i>You may speak and vote</i>          <i>You may speak and vote</i>          <i>You may speak and vote</i>          <i>You may speak and vote</i>          <i>You may speak and vote</i>
5.	A Standards Committee dispensation applies (relevant lines in the budget – Dispensation 15/09/20 – 14/09/24)	<input type="checkbox"/>	<i>See the terms of the dispensation</i>
6.	I have a pecuniary interest in the business but I can attend to make representations, answer questions or give evidence as the public are also allowed to attend the meeting for the same purpose	<input type="checkbox"/>	<i>You may speak but must leave the room once you have finished and cannot vote</i>

**'disclosable pecuniary interest'** (DPI) means an interest of a description specified below which is your interest, your spouse's or civil partner's or the interest of somebody who you are living with as a husband or wife, or as if you were civil partners and you are aware that that other person has the interest.

### Interest

Employment, office, trade, profession or vocation

Sponsorship

### Prescribed description

Any employment, office, trade, profession or vocation carried on for profit or gain.

Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M.

	This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to M's knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where— (a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and (b) either— (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

*"body in which the relevant person has a beneficial interest" means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest; "director" includes a member of the committee of management of an industrial and provident society;*

*"land" excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income; "M" means a member of a relevant authority;*

*"member" includes a co-opted member; "relevant authority" means the authority of which M is a member;*

*"relevant period" means the period of 12 months ending with the day on which M gives notice to the Monitoring Officer of a DPI;*

*"relevant person" means M or M's spouse or civil partner, a person with whom M is living as husband or wife or a person with whom M is living as if they were civil partners;*

*"securities" means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.*

**'non pecuniary interest'** means interests falling within the following descriptions:

- 10.1(1)(i) Any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;
- (ii) Any body (a) exercising functions of a public nature; (b) directed to charitable purposes; or (c) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union), of which you are a member or in a position of general control or management;
- (iii) Any easement, servitude, interest or right in or over land which does not carry with it a right for you (alone or jointly with another) to occupy the land or to receive income.
- 10.2(2) A decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a connected person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward, as the case may be, affected by the decision.

**'a connected person'** means

- (a) a member of your family or any person with whom you have a close association, or
- (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
- (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
- (d) any body of a type described in sub-paragraph 10.1(1)(i) or (ii).

**'body exercising functions of a public nature'** means

Regional and local development agencies, other government agencies, other Councils, public health bodies, council-owned companies exercising public functions, arms length management organisations carrying out housing functions on behalf of your authority, school governing bodies.

A Member with a personal interest who has made an executive decision in relation to that matter must ensure any written statement of that decision records the existence and nature of that interest.

**NB** Section 21(13) of the LGA 2000 overrides any Code provisions to oblige an executive member to attend an overview and scrutiny meeting to answer questions.



# Agenda Item 5

## AUDIT & GOVERNANCE COMMITTEE

**HELD:** Wednesday, 26 July 2023

Start: 7.03 pm

Finish: 7.59 pm

### PRESENT:

Councillor: M Anderson (Chairman)

Councillors: M Parlour  
J Fillis  
S Patel  
D West  
D Daniels  
Marsh-Pritchard  
E Pope  
D Whittington

In attendance: Councillor Paul Hogan  
Councillor David Westley

Officers: Catherine Kirwan, Procurement Manager  
Jennifer Lunn, Assistant Solicitor  
Jacqueline Pendleton, Corporate Compliance & Governance  
Manager  
James Pierce, Head of Finance, Procurement and Commercial  
Services Section 151 Officer  
Duncan Jowitt, Democratic Services Officer

### 15 APOLOGIES

There were no apologies received.

### 16 MEMBERSHIP OF THE COMMITTEE

There were no changes to the membership of the Committee.

### 17 URGENT BUSINESS

There were no urgent items of business.

### 18 DECLARATIONS OF INTEREST

There were no declarations of interest.

### 19 MINUTES OF PREVIOUS MEETING

RESOLVED: That the minutes of the meeting held on the 30 May 2023, be approved as a correct record and signed by the Chairman.

### 20 PUBLIC SPEAKING

There were no items under this heading.

**21 GRANT THORNTON PROGRESS UPDATE**

Consideration was given to the Audit Findings Report 2020-21 and Auditor's Annual Report 2020-21.

The Chairman welcomed and invited Georgia Jones, Director, Grant Thornton, to present the reports to the Committee.

She confirmed that there were no significant changes overall and that the risks identified were not unusual. She described in detail their key findings, judgments and estimates, the matters they had discussed with corporate management team, the council's value for money arrangements and other responsibilities under the code.

Councillors raised question in respect of the pension fund, in particular the misstatement relating to the payment in advance of employer contributions in respect of the pension fund for 2021/22 and 2022/23, and about Value for Money (VFM) arrangements.

Georgia Jones confirmed that now that the amendments had been made, she was satisfied that the council was compliant with guidance and that there were no further issues. She confirmed that VFM had been looked at in detail and, following the agreement of fees and any appropriate liaison, the final costing would be brought back to the Committee and the accounts would go to council for approval. James Pierce cited the turnover of finance staff as the cause of delay and said he was looking into the recruitment of senior staff in Finance and was not anticipating any major impact on the MTFs.

RESOLVED: That the reports as set out on pages 13-108 of the Book of Reports, which had been presented to Members for approval be noted and the issue of the Letter of Representation 2020-21 be recommended.

**22 INTERNAL AUDIT ANNUAL REPORT 2022/23**

The Corporate Director of Transformation, Housing & Resources submitted a report presenting the 2022/23 Internal Audit Annual Report and Opinion for the consideration of Members.

The Chairman invited the Corporate Compliance and Governance Manager to present the report.

The Committee considered the 2022/23 Internal Audit Annual Report and Opinion as contained on pages 109 to 126 of the Book of Reports, which had been presented to Members for approval.

RESOLVED: That Internal Audit be thanked and the contents of the 2022/23 Internal Audit Annual Report and Opinion, be noted.

**23 INTERNAL AUDIT PROGRESS REPORT - QUARTERLY UPDATE**

The Corporate Director of Transformation, Housing & Resources submitted a report for the consideration of Members advising of progress against the 2023/24 Internal Audit Plan.

The Chairman invited the Corporate Compliance and Governance Manager to present the report.

The Committee considered the report of progress against the 2023/24 Internal Audit Plan as detailed on pages 127 to 139 of the Book of Reports, which had been presented to Members for approval.

RESOLVED: Members noted the progress in the year to date.

**24 QUARTERLY EXEMPTION REPORT**

The Head of Finance, Procurement and Commercial Property submitted a report on the Council's use of an exemption from Public Contracts Regulations 2015 and/ or Council's Contract Procedure Rules.

The Chairman invited the Procurement and Contracts Manager to present the report.

A question was raised and responded to in relation to the GIS software detailed in the Request for Exemption from Contract Procedure Rules.

The Committee considered the Quarterly Report on Procurement Exemptions as contained on pages 141-146 of the Book of Reports, which had been presented to Members.

RESOLVED: that the Council's exemption activity be noted.

**25 RIPA ACT - REGULAR MONITORING OF USE OF POWER**

The Head of Legal and Democratic Services submitted a report on the Council's use of its powers under the Regulation of Investigatory Powers Act 2000 (RIPA).

RESOLVED: Members noted that the Council has not had cause to use its powers under RIPA during the last 12 months.

**26 ANNUAL GOVERNANCE STATEMENT 2022/23**

The Head of Finance, Procurement and Commercial Services submitted a report to consider the Council's Annual Governance Statement (AGS) for 2021/22 and 2022/23.

RESOLVED: Members agreed that the AGS 2021/22, as set out in Appendix 1, and the AGS 2022/23, set out in Appendix 2 of the report be approved and commended to the Leader and Chief Operating Officer for signature.

Any subsequent changes to the Annual Governance Statements, following receipt of the final external audit reports from Grant Thornton, would be undertaken by the Head of Finance, Procurement and Commercial Services (s151 officer) in consultation with the Chair of the Audit and Governance Committee.

**27      AUDIT & GOVERNANCE COMMITTEE WORK PROGRAMME - JULY 2023**

The following minor changes to items on the work programme were suggested and the Democratic Services Officer agreed to make the amendments.

- Grant Thornton – Audit Plan 2022-23 should read 2021-22.
- The projected meeting dates from May 2024 onwards shown on the work programme had not yet been approved by Council.

Members also suggested that the Governance Issues (page 186 of the agenda) would need to be addressed and the Corporate Compliance & Governance Manager said she would amend the work programme to include an item.

The Chairman asked about the proposed briefing on the final accounts, however arranging a suitable date with Grant Thornton had so far proved difficult.

.....  
**Chairman**

## **PUBLIC SPEAKING – PROTOCOL**

**(For meetings of Cabinet, Overview & Scrutiny Committees, Audit & Governance Committee and Standards Committee)**

### **1.0 Public Speaking**

- 1.1 Residents of West Lancashire may, on giving notice, address any of the above meetings to make representations on any item on the agenda for those meetings, except where the public and press are to be excluded from the meeting during consideration of the item.
- 1.2 A Parish Council Representative may, on giving notice, address any of the above meetings to make representations on any item on the agenda for those meetings, except where the public and press are to be excluded from the meeting during consideration of the item.
- 1.3 The form attached as an Appendix to this Protocol should be used for submitting requests.

### **2.0 Deadline for submission**

- 2.1 The prescribed form should be received by Member Services by 10.00 am on the Friday of the week preceding the meeting. This can be submitted by e-mail to [member.services@westlancs.gov.uk](mailto:member.services@westlancs.gov.uk) or by sending to:

Member Services  
West Lancashire Borough Council  
52 Derby Street  
Ormskirk  
West Lancashire  
L39 2DF

- 2.2 Completed forms will be collated by Member Services and circulated via e-mail to relevant Members and officers and published on the Council website via Modgov. Only the name of the speaker (and representative) and details of the issue to be raised will be published.
- 2.3 Groups of persons with similar views should elect a spokesperson to speak on their behalf to avoid undue repetition of similar points. Spokespersons should identify in writing on whose behalf they are speaking.

### **3.0 Scope**

- 3.1 Any matters raised must be relevant to an item on the agenda for the meeting.
- 3.2 The Legal & Democratic Services Manager may reject a submission if it:
  - (i) is defamatory, frivolous or offensive;
  - (ii) is substantially the same as representations which have already been submitted at a previous meeting; or
  - (iii) discloses or requires the disclosure of confidential or exempt information.

#### **4.0 Number of items**

- 4.1 A maximum of one form per resident will be accepted for each Agenda Item.
- 4.2 There will be a maximum of 10 speakers per meeting. Where there are more than 10 forms submitted by residents, the Legal & Democratic Services Manager will prioritise the list of those allowed to speak. This will be considered having regard to all relevant matters including:
- a. The order in which forms were received.
  - b. If one resident has asked to speak on a number of items, priority will be given to other residents who also wish to speak
  - c. Whether a request has been submitted in relation to the same issue.

No amendments will be made to the list of speakers once it has been compiled (regardless of withdrawal of a request to speak).

- 4.3 All submissions received will be published on the Council's website and circulated to Members of the relevant body and officers for consideration.

#### **5.0 At the Meeting**

- 5.1 Speakers will be shown to their seats. At the commencement of consideration of each agenda item the Leader/Chairman will invite the speakers to make their representations. Speakers will have up to 3 minutes to address the meeting. The address must reflect the issue included on the prescribed form submitted in advance.
- 5.2 Members may discuss what the speaker/s have said, along with any other information/representations submitted under this protocol, when all speakers on that item have finished and will then make a decision. Speakers should not circulate any supporting documentation at the meeting and should not enter into a debate with Councillors.
- 5.4 If residents feel nervous or uncomfortable speaking in public, then they can ask someone else to do it for them, including a Parish or Borough Councillor representative. They can also bring an interpreter if they need one. They should be aware there may be others speaking as well.

(Note: If a Resident wishes to have their Borough Councillor speak on their behalf, the Borough Councillor is not a member of the body considering the item.)

5.5 Speakers may leave the meeting at any time, taking care not to disturb the meeting.

(Please see attached form.)







## REQUEST FOR PUBLIC SPEAKING AT MEETINGS

**MEETING & DATE** .....

**NAME** .....

**ADDRESS** .....

Post Code .....

**PHONE** .....

**Email** .....

Please indicate if you will be in attendance at the meeting

**YES/NO\***

\*delete as applicable

Please indicate if someone will be speaking on your behalf at the meeting

**YES/NO\***

\*delete as applicable

If someone is speaking on your behalf please provide their contact details:

**NAME** .....

**PHONE** .....

**Email** .....

Note: This page will not be published.

(P.T.O.)





**AUDIT AND GOVERNANCE COMMITTEE:**  
**24 October 2023**

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**Report of:** Corporate Director of Transformation, Housing & Resources

**Contact for further information:** Jacqui Pendleton (Extn. 2603)  
(E-mail: [Jacqui.pendleton@westlancs.gov.uk](mailto:Jacqui.pendleton@westlancs.gov.uk))

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**SUBJECT: INTERNAL AUDIT ACTIVITIES – PROGRESS REPORT**

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Wards affected: Borough wide

## **1.0 PURPOSE OF THE REPORT**

1.1 To advise of progress against the 2023/24 Internal Audit Plan.

## **2.0 RECOMMENDATION**

2.1 That Members note progress in the year to date.

## **3.0 BACKGROUND**

3.1 This Committee approved the 2023/24 Internal Audit Annual Plan and reports on progress against this plan are presented at each meeting of the Committee.

3.2 This report summarises progress to date for the period 1 April 2023 to 15 October 2023. This work will inform the overall opinion in the Internal Audit Annual Report which is presented to this Committee.

## **4.0 INTERNAL AUDIT ACTIVITY TO DATE**

4.1 An appendix summarising progress to date and any significant issues arising is attached, and the Corporate Compliance & Governance Manager will attend the meeting should Members have any questions.

4.2 Progress against the Internal Audit Annual Plan for the period 1 April 2023 to 15 October 2023 is satisfactory with 45% of planned work completed.

## **5.0 SUSTAINABILITY IMPLICATIONS**

5.1 There are no significant sustainability impacts associated with this report and, in particular, no significant impact on crime and disorder.

## **6.0 FINANCIAL AND RESOURCE IMPLICATIONS**

6.1 The financial and resource implications arising from activity identified in this report are included in existing budget provisions.

## **7.0 RISK ASSESSMENT**

7.1 This report summarises progress against Internal Audit's work programme to date. Internal Audit's work is a key source of assurance to this Committee in relation to the risk management, control and governance processes the Council has in place to secure its objectives.

## **8.0 HEALTH AND WELLBEING IMPLICATIONS**

8.1 There are no health and wellbeing implications arising from this report.

### **Background Documents**

There are no background documents (as defined in Section 100D(5) of the Local Government Act 1972) to this Report.

### **Equality Impact Assessment**

The decision does not have any direct impact on members of the public, employees, elected members and / or stakeholders. Therefore, no Equality Impact Assessment is required.

### **Appendices**

1. Internal Audit Activities – Progress Report



# **Internal Audit Service**

## **Internal Audit Activities – Progress Report**

**October 2023**

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## 1. Summary of Progress against Internal Audit Plan 2023/24

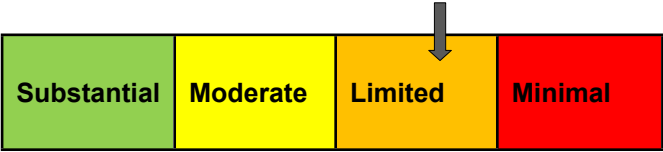
Assurance Audits	Stage of Audit	Audit Opinion	Reported to A&G committee
Parking Services	Final Report Issued	Limited	October 2023
Community Infrastructure Levy	Fieldwork Complete		
West Lancashire Gift Card	Final Report Issued	Moderate	October 2023
Starters/Movers/Leavers			
Aids & Adaptations - Private Sector Housing	Final Report Issued	Limited	October 2023
Money Advice Service	Final Report Issued	Moderate	October 2023
Cleaning Services			
Governance Review Project - CIPFA Audit Committee Guidance Compliance	Fieldwork		
New Homes Bonus / Council Tax	Fieldwork		
Procurement			
Rate Revaluation - Commercial Properties	Draft Report Issued		
Corporate Governance – Annual Review to support AGS 2022/23	Complete		
Grant Management - Cross Cutting	Final Report Issued	Limited	October 2023
Agency Staffing	Fieldwork		
Housing Benefits and CTRS	Fieldwork		
Creditors			
Debtors			
Business Rates			
Payroll			
Rents			
Main Accounting, incl. Treasury Management			
<b>Information Governance</b>			
Cyber Security			
NHS DPST submission	Complete		
Data Security	Fieldwork complete		
<b>Fraud</b>			
Managing the risk of Fraud and Corruption Self-Assessment	Fieldwork		
Tenancy Fraud	Fieldwork		

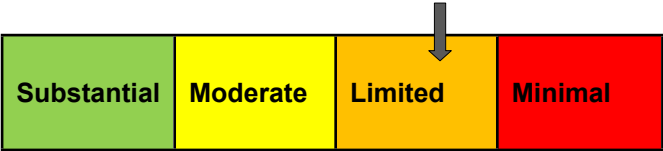
- 1.1 For the period 1 April 2023 to 15 October 2023 progress against the plan for the financial year 2023/24 has been satisfactory. As of 15 October 2023, 45% of planned audit work is either completed or in progress.
- 1.2 There remains a vacancy of one Internal Auditor within the service. Following a number of unsuccessful exercises to recruit a suitable replacement, the decision to replace this post with an Apprentice Auditor was approved and recruitment to this new role is progressing well.

## 2. Audit Assurance Reports

Summary details of the final reports, issued during the period 1 July 2023 to 15 October 2023 are as follows.

The definitions of the Priority Levels and Audit Assurance Ratings for Internal Audit reviews undertaken during 2023/24 are detailed in Appendix A.:

Aids and Adaptations													
<p><b>Priority Summary</b></p> <table border="1"> <thead> <tr> <th>Priority Level</th> <th>Number of Recommendations</th> </tr> </thead> <tbody> <tr> <td>Critical</td> <td>0</td> </tr> <tr> <td>High</td> <td>9</td> </tr> <tr> <td>Medium</td> <td>10</td> </tr> <tr> <td>Low</td> <td>0</td> </tr> <tr> <td>Advisory</td> <td>3</td> </tr> </tbody> </table>	Priority Level	Number of Recommendations	Critical	0	High	9	Medium	10	Low	0	Advisory	3	<p><b>Audit Assurance Rating</b></p>  <p><b>Key Findings:</b></p> <ul style="list-style-type: none"> <li>• A check list should be in place to ensure that all the relevant documentation, checks and steps are taken in the DFG process.</li> <li>• Evidence is not always retained to demonstrate that appropriate checks for eligibility have been undertaken.</li> <li>• A review of the Agency Fee charged should be undertaken to ensure it is reflective of delivering the service.</li> </ul>
Priority Level	Number of Recommendations												
Critical	0												
High	9												
Medium	10												
Low	0												
Advisory	3												

Grant Management													
<p><b>Priority Summary</b></p> <table border="1"> <thead> <tr> <th>Priority Level</th> <th>Number of Recommendations</th> </tr> </thead> <tbody> <tr> <td>Critical</td> <td>0</td> </tr> <tr> <td>High</td> <td>14</td> </tr> <tr> <td>Medium</td> <td>7</td> </tr> <tr> <td>Low</td> <td>1</td> </tr> <tr> <td>Advisory</td> <td>0</td> </tr> </tbody> </table>	Priority Level	Number of Recommendations	Critical	0	High	14	Medium	7	Low	1	Advisory	0	<p><b>Audit Assurance Rating</b></p>  <p><b>Key Findings:</b></p> <ul style="list-style-type: none"> <li>• Grants are managed in the Service Area for which the grant relates and therefore there is no central register maintained of grants the Council awards or grants the Council receives.</li> <li>• Grant management processes must be improved with each grant having its own Project Officer, Civica Financial Code and Finance Business Partner assigned.</li> <li>• The relevant support functions, such as Procurement, Legal Services, Finance and Corporate Compliance and Governance are not always engaged at an early stage.</li> </ul>
Priority Level	Number of Recommendations												
Critical	0												
High	14												
Medium	7												
Low	1												
Advisory	0												

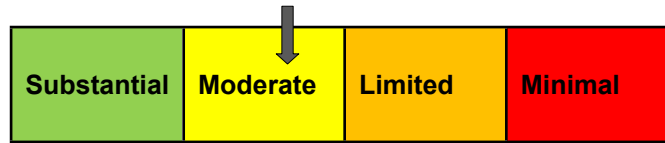


## Money Advice Service

### Priority Summary

Priority Level	Number of Recommendations
Critical	0
High	3
Medium	5
Low	0
Advisory	0

### Audit Assurance Rating



#### Key Findings:

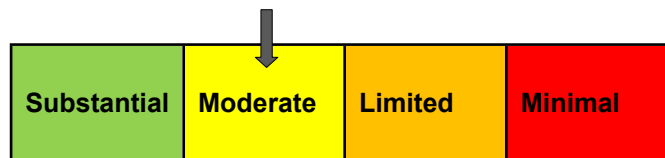
- Due to internal issues with the reporting system, one of the Key Performance Indicators was found to be displaying inaccurate information.

## West Lancashire Gift Card

### Priority Summary

Priority Level	Number of Recommendations
Critical	0
High	1
Medium	3
Low	1
Advisory	0

### Audit Assurance Rating



#### Key Findings:

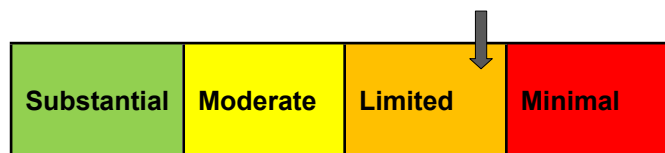
- Take up of the service was very poor and is now in the process of being withdrawn.

## Parking Services

### Priority Summary

Priority Level	Number of Recommendations
Critical	0
High	18
Medium	22
Low	7
Advisory	3

### Audit Assurance Rating



#### Key Findings:

- Prompt action to upgrade the Pay and Display machines is required before the communication company ceases 3g.
- Adequate income reconciliation processes are not in place.
- There is no reconciliation process in place for enforcement fines paid or written off.
- There is no central management of Electric Vehicle Charging Points (EVCP).

### 3. Performance Indicators 2023/24

Indicator	Target	As of 15 October 2023
% Completion of the Internal Audit Annual Plan	90% of the audit plan completed by the end of the financial year, 31 <sup>st</sup> March 2024	45%
% Audit recommendations accepted by management, analysed by Priority Level: <div style="display: flex; flex-direction: column; gap: 2px;"> <div style="background-color: red; color: white; padding: 2px;">Critical</div> <div style="background-color: orange; color: black; padding: 2px;">High</div> <div style="background-color: yellow; color: black; padding: 2px;">Medium</div> <div style="background-color: lightgreen; color: black; padding: 2px;">Low</div> <div style="background-color: lightblue; color: black; padding: 2px;">Advisory</div> </div>	95% for all priorities	100%
Timely agreement and issue of the final report	80% of final reports (including agreement and completion of the Management Action Plan) issued within 5 weeks of the draft report.	100%
Customer Satisfaction Feedback	95% of feedback is Very Good, Good or Average rating	100%

### 4. Internal Audit Recommendation Status Summary Information

4.1 The reporting of recommendation implementation progress is provided to this committee at each meeting. To ensure that Internal audit recommendations are implemented the status of audit recommendation implementation is reported to CMT members on a weekly basis.

#### 2021/22

From the final reports issued for 2021/22, and at the time of reporting there are 109 open or partially completed recommendations. It should be noted that out of the 109 open recommendations, 63 are within their implementation date, leaving 46 (42%) overdue.

#### 2022/23

From the final reports issued for 2022/23 to date, There are 129 open or partially completed recommendations with 70 within their implementation date, leaving 59 (46%) recently becoming due.

### Open Recommendations by Priority Level for Financial Years 2020/21 – 2022/23

The Open recommendations have been analysed further to show the priority levels:

Financial Year	P1	P2	P3	Total
2021/22	21	63	25	109
2022/23	27	58	44	129
<b>Total</b>	<b>48</b>	<b>121</b>	<b>69</b>	<b>238</b>

### Recommendation Status by Priority Level for Financial Year 2023/24

Priority Level	Number of Recommendations Made	Open	Closed (Implemented)	Overdue
Critical	0	0	0	0
High	45	42	3	9
Medium	47	45	2	5
Low	10	9	1	0
Advisory	6	4	2	1
<b>Total</b>	<b>108</b>	<b>100</b>	<b>8</b>	<b>15</b>

## Appendix A. - Definition of Audit Assurance Opinions and Priority Levels for Recommendations for 2023/24

<b>Audit Assurance Opinions</b>	
<p>Records the overall level of assurance recognised by the Internal Audit at the time the audit work was carried out. The assurance opinion is based upon the priority levels of the findings and recommendations arising from the fieldwork carried out by Internal Audit.</p> <p>The following categories are used to record the level of assurance over the Council's risk management, control and governance processes.</p>	
<b>Assurance Opinion</b>	<b>Assessment of Internal Control</b>
Substantial Assurance	<p>Level of Assurance = High</p> <p>The controls evaluated are well designed, appropriate in scope and applied consistently and effectively. Any issues identified are minor in nature and should not prevent objectives being achieved.</p> <p>There is a low risk of fraud, negligence, loss or damage to reputation.</p>
Moderate Assurance	<p>Level of Assurance = Medium</p> <p>The controls evaluated are generally well designed, appropriate in scope and applied in the main consistently and effectively, but some weaknesses have been identified that require management attention. These issues increase the risk that some objectives may not be fully achieved.</p> <p>There is a medium/low risk of fraud, negligence, loss or damage to reputation.</p>
Limited Assurance	<p>Level of Assurance = Low</p> <p>Some controls evaluated are generally well designed, appropriate in scope and applied consistently and effectively. However, issues of poor design, gaps in coverage or inconsistent or ineffective implementation have been identified that require immediate management attention. The issues if unresolved, mean that objectives may not be achieved.</p> <p>There is a medium risk of fraud, negligence, loss or damage to reputation.</p>
Minimal Assurance	<p>Level of Assurance = Minimal or None</p> <p>Expected controls are absent, or where evaluated are flawed in design, scope or application leaving the system open to error or abuse. The auditor is unable to form a view as to whether objectives will be achieved.</p> <p>There is a high risk of fraud, negligence, loss or damage to reputation.</p>

**Priorities for Recommendations**

<b>Critical</b>	<p>Recommendation concerning the absence/failure of fundamental control/s which is critical to the success of the system. Major weakness which significantly impairs the overall control framework.</p> <p>Risk Exposure - <b>Very High</b></p> <p><b><i>Action must be taken immediately.</i></b></p>
<b>High</b>	<p>Recommendation concerning absence or non-compliance with key control/s which creates significant risks within the organisation. Substantial weakness identified.</p> <p>Risk Exposure - <b>High</b></p> <p><b><i>Action must be taken within one month.</i></b></p>
<b>Medium</b>	<p>Recommendation concerning absence or non-compliance with lower-level control, or an isolated instance of non-compliance with a key control. The weakness identified is not necessarily great, but controls would be strengthened, and the risks reduced if it were rectified.</p> <p>Risk Exposure - <b>Moderate</b></p> <p><b><i>Action should be taken with six months.</i></b></p>
<b>Low</b>	<p>Recommendation concerning minor issue, which is not critical, but implementation would improve the system and/or strengthen controls.</p> <p>Risk Exposure - <b>Low</b></p> <p><b><i>Action should be taken with twelve months.</i></b></p>
<b>Advisory</b>	<p>These are issues identified during the course of the review that do not adversely impact the service but include areas of enhancement to existing operations and the adoption of best practice.</p>





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**Report of:** Corporate Director of Transformation, Housing & Resources

**Relevant Portfolio Holder:** Councillor R Molloy

**Contact for further information:** Chris Twomey  
(E-mail: [chris.twomey@westlancs.gov.uk](mailto:chris.twomey@westlancs.gov.uk))

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**SUBJECT:** Annual Report of the Senior Information Risk Owner (SIRO) – 2022/23

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Wards affected: Borough Wide

## **1.0 PURPOSE OF THE REPORT**

- 1.1 This report provides an overview of West Lancashire Borough Councils obligation in meeting statutory regulatory requirements relating to the processing of personal, confidential, or identifiable data under the UK General Data Protection Regulation, the Data Protection Act 2018 and the Councils duty to be transparent through compliance within the Freedom of Information Act 2000.
- 1.2 The report aims to provide sufficient information to the Audit and Governance Committee that highlights:
- The most significant current and emerging Data Privacy, Cyber Security and Information Governance (IG) issues
  - Clarifies the measures being undertaken by the Council to ensure that both the national and mandatory compliance standards are met.
- 1.3 The report will specifically:
- Give an overview of key achievements in 2022/2023.
  - Outline activity and performance related to information governance compliance during the reporting period for 2022/2023.
  - Outline the Council's approach that underpins organisational compliance within the regulatory requirements relating to the handling of information and provide assurance of ongoing improvement in relation to risk management.
  - Provide a status update on the Data Security and Protection Toolkit (DSPT).
  - Detail how data incidents have been handled, including the learning from incidents.

## **2.0 RECOMMENDATION**

- 2.1 That the Annual Report of the Senior Information Risk Owner (SIRO), set out in Appendix 1, be noted.

## **3.0 BACKGROUND**

- 3.1 Information is an organisational asset and West Lancashire Borough Council (WLBC) must embed a strong information governance culture, so that the Council operates lawfully, efficiently and effectively.
- 3.2 The SIRO provides an essential role in ensuring that identified information security risks are followed up and incidents are managed and has ownership for the Information Risk Policy, Risk Management Strategy and associated processes. It is the SIRO's role to provide leadership and guidance to Information Asset Owners. The SIRO is:
- Senior Information Risk Officer for the Council.
  - Lead Responsible Officer for fostering a culture that values, protects and uses information for the success of the organisation and benefit of its residents.
  - Lead Responsible Officer for maintaining sufficient knowledge and experience of the organisation's business goals with emphasis on the use of and dependency upon internal and external information assets.
  - Lead Officer for information risk management in the organisation including resolution of any escalated risk issues raised by the Information Governance Manager, the Data Protection Officer and Information Asset Owners.

#### **4.0 SUSTAINABILITY IMPLICATIONS**

- 4.1 There are no significant sustainability impacts associated with this report and, in particular, no significant impact on crime and disorder.

#### **5.0 FINANCIAL AND RESOURCE IMPLICATIONS**

- 5.1 There are no significant financial or resource implications arising from this report as Information Governance is included in existing budget provisions.

#### **6.0 RISK ASSESSMENT**

- 6.1 This Annual Report is a key element of assurance to this Committee that risks are being properly managed and that the Council continues to comply with the UK General Data Protection Regulation, the Data Protection Act 2018 and Freedom of Information Act 2000.

#### **Background Documents**

There are no background documents (as defined in Section 100D(5) of the Local Government Act 1972) to this Report.

#### **Equality Impact Assessment**

The decision does not have any direct impact on members of the public, employees, elected members and / or stakeholders. Therefore, no Equality Impact Assessment is required.

#### **Appendices**









# **Senior Information Risk Owner Annual Report**

**April 2022 - March 2023**

**May 2023**

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## Purpose

The report aims to outline West Lancashire Borough Council's position in terms of our obligation in meeting statutory and regulatory requirements relating to the processing of personal identifiable data under the UK General Data Protection Regulation (GDPR), the Data Protection Act 2018 (DPA2018) and the Council's duty to be transparent through compliance within the Freedom of Information Act 2000.

It will also aim to provide sufficient information to the Council's Corporate Management Team (CMT) and Cabinet that highlights the work that has been undertaken and the work planned which will continue to strengthen our approach to Information Governance (IG). Whilst continuing to embed a culture across the organisation that is aligned to "Our Data, Our Responsibility" ethos, ensuring that compliance and effective risk management protocols are in place, underpinned by a robust Information Governance infrastructure that is managed and monitored via the Information Governance Committee, who further disseminates information across the Authority to the Service Areas.

### **Specifically, the report will provide an:**

1. Overview of key achievements.
2. Overview of performance related to Information Governance.
3. Information that evidences the Council's organisational compliance within the regulatory requirements relating to the handling of information and provide assurance of ongoing risk management improvement to ensure we meet mandatory standards.
4. Update on the NHS Data Security and Protection Toolkit (NHS DSPT).
5. Detailed overview of the most significant current and emerging Data Privacy, Cybersecurity and Information Governance issues.
6. Overview of the priorities for compliance going forward into 2023 - 2024.

### **As SIRO, my responsibilities can be summarised as:**

- Senior Information Risk Owner (SIRO) for the Council.
- Lead Responsible Officer for fostering a culture that values, protects and uses information for the success of the organisation and benefit of its residents.
- Lead Responsible Officer for maintaining sufficient knowledge and experience of the organisation's business goals with emphasis on the use of and dependency upon internal and external information assets.
- Lead Officer for information risk management in the organisation including resolution of any escalated risk issues raised by the Heads of Service, the Information Governance Manager (DPO) and Information Asset Owners.

The SIRO is supported by the DPO and the Information Governance Officer, who assist the organisation in monitoring internal compliance, informing and advising on information governance obligations, training and also act as a contact point between the Information Commissioner and the Council.

The DPO and the IG Officer also manage the Data Protection and Freedom of Information central records, monitoring performance and compliance with legislation.

## Diagram to visualise the SIRO Relationships with officers across the Council



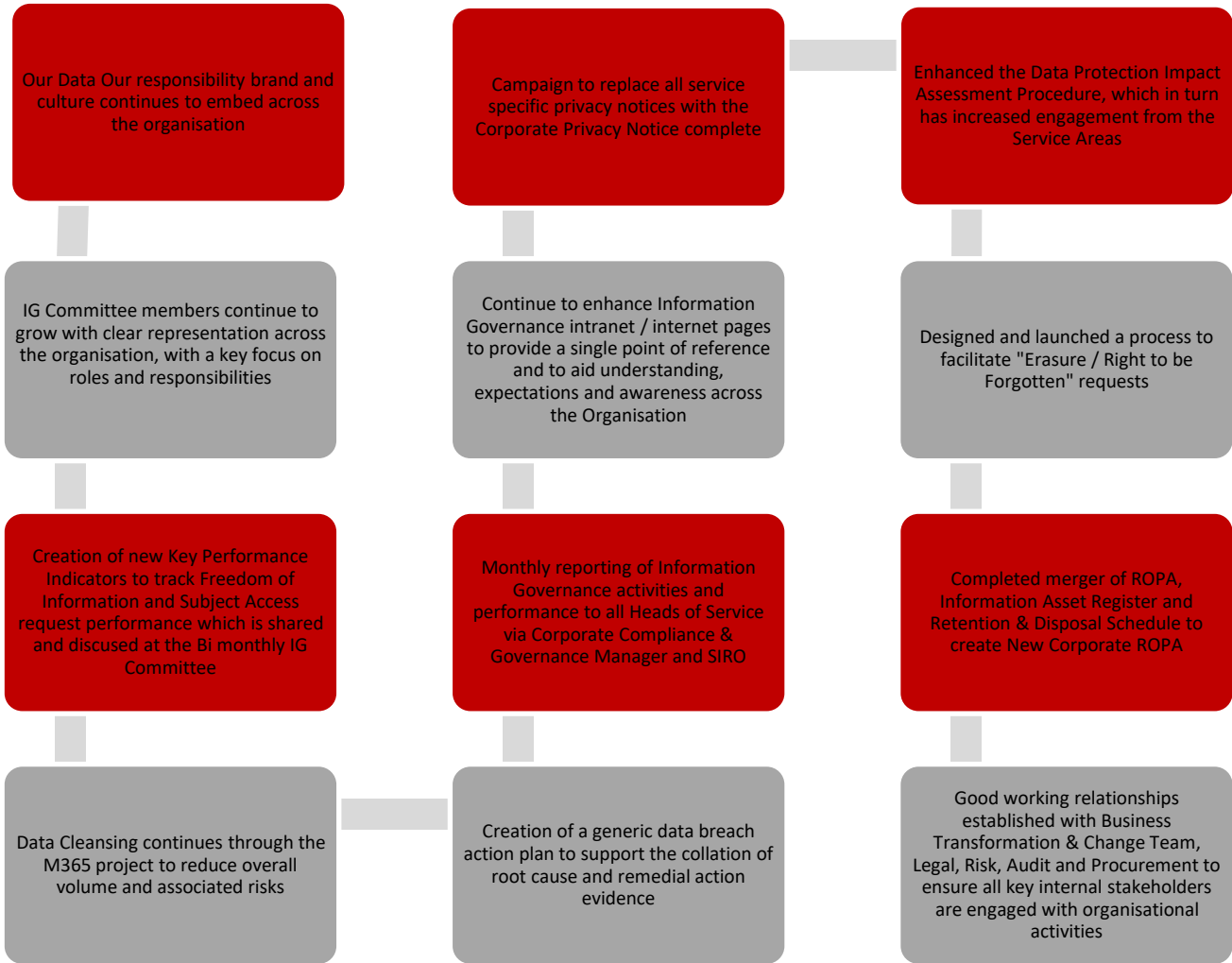
### 1. Overview of key achievements in 2022 - 2023

It is important to recognise that information is an organisational asset and that a strong information governance culture must continue to be embedded, so that the Council continues to operate lawfully, efficiently and effectively.

Following the significant amount of work undertaken via the Effective Data Management programme and the commitment from officers across the organisation it is pleasing to report that all four Information Governance risks are all currently assessed as cautious.

The risk "Failure to Provide suitable storage arrangements for the Councils electronic information" has been re assessed from comfortable to cautious, due to the further work identified in terms of archiving and retention of data in some legacy systems. This will flow into a piece of work that the Business Transformation and Change team and the ICT Client Manager will facilitate. It is linked to system infrastructure and data management, as part of the digital transformation plan and the formation of the technical design authority.

## Key Initiatives Delivered



## 2. Overview of performance related to Information Governance during 2022 - 2023

- A)** The number of Freedom of Information Act 2000 and EIR requests received for the 22 – 23 period was 637 which represents an increase of 24 (4%) on the previous year. 82% were responded to within the 20-day statutory timescale.
- B)** The number of Subject Access Requests (SAR) made under Data Protection Legislation, which were received by the Council for the period was 673 which represents an increase of 168 (25%) on the previous year, please note the majority of requests were internal. 98% were responded to with the one calendar month timescale.
- C)** The number of Data Breaches for the period was 25 which represents a decrease of 13 (34%) on the previous year. No data breaches were reported to the ICO.

\*\* Please see appendices A, B & C at the end of this report for further detail.

### **3. Evidence the Councils organisational compliance within the regulatory requirements**

#### **Changes to legislation during 2022/2023**

There have been no significant changes to primary legislation in the reporting period. We continue to monitor and share where necessary, guidance and developments from our DPO and the ICO.

The Information Governance team are aware of the proposed Procurement Bill which amongst other key objectives will place transparency and integrity at the heart of the procurement system, as such the DPO is engaging with the Procurement Manager to understand the implications on the Council. Our focus will be to ensure that we enhance transparency and remain compliant with Data Protection Legislation.

The DPO is also following the progress of the new Data Protection and Digital Information Bill which is currently progressing through the House of Commons.

#### **Data Protection Impact Assessments**

West Lancashire Borough Council manages a variety of information assets which are essential for service delivery. The council has a statutory requirement to ensure that its information systems and supporting processes meet security, confidentiality, data protection and data quality needs. Data protection by design and default is embedded into the Corporate Project methodology with the DPO being recognised as a key stakeholder as scope is defined, which provides assurance that all requirements have been considered for any new or re-configured asset system or business process.

Overall this year there have been 29 DPIA's submitted to the IG Manager for review, challenge and subsequent sign off. This is an increase of 15 on the previous year.

#### **Policies**

Existing policies have been reviewed and refreshed. The Data Quality Policy and the Freedom of Information policies have been subject to detailed gap analysis, following which a detailed report and summary of recommendations will be circulated for consideration / implementation.

It is coming up to 12 months since the Pentana Policy module has been in operation providing transparency and a good practice policy management framework. One element is that each policy has an established review date which highlights to policy owners the timescale for review. Already available to all managers a further phase will be to provide access to Pentana to all staff to aid learning and development and further embed understanding and transparency across the Authority.

#### **Reporting**

Work has continued during 2022 – 2023 to enhance the reporting of IG performance in a consistent and transparent manner.



#### **4. Update on the NHS Data Security and Protection Toolkit (DSPT) and Partnership Working**

During the Covid pandemic arrangements, both legislation and working practices were developed to facilitate the compliant exchange and sharing of personal data, to allow proactive and responsive intervention to emerge, in support of the response and recovery to the emergency.

Recognising the importance of data and insight, when influencing and shaping new service delivery to emerge, it was key that we continued to strengthen this area of work. In partnership with Health, we have co-designed and recruited a joint role (Population Health Intelligence Advisor) between WLBC and the ICB. This role is managed by the Business Transformation and Change Team (WLBC) but works across the organisation and alongside our wider partnership to support the development of data driven interventions that aim to shape thinking and action at a local level to reduce inequalities across West Lancashire.

The Council's DPO continues to work with partners and across the organisation to ensure data sharing agreements are developed / are in place to support the Council's business activities now and in the future.

Data will continue to be a key enabler, therefore, it is important to continue to work with IG leads to strengthen our approach to data, so that when data is used, it is done so, within a compliant framework. This approach, will enable us to deliver the aspirations outlined within our corporate plan, linked to neighbourhood working and reducing inequalities.

Within the pandemic, there was a recognition that access to more partnership data, including a range of NHS patient-related data, allowed a wider view to be taken, linked to people and place. The varied dataset was key in allowing a more insightful view as to what was happening locally at a place and postcode level and how, in collaboration with partners, we could utilise this data to target a range of intervention measures that would reduce risk and support our residents to access services that aim to support their health and wellbeing, whilst reducing inequalities.

To enable this to happen, it is critical that we maintain the highest standards of data privacy for all data shared with the NHS and partners. Following the 2<sup>nd</sup> successful submission of the NHS Data Security and Protection Toolkit (NHS DSPT), whereby the Council was deemed compliant against the ten data security standards outlined by the National Data Guardian which provides the NHS and other partner organisations with assurance that all personal data is managed securely and in line with legislation. Work is now underway to prepare us for the next submission, which will take place 30<sup>th</sup> June 2023.

This significant piece of work has been supported by colleagues in Business Transformation and Change team, Audit and our Lancashire County Council Digital colleagues and is a clear example of how we are demonstrating our commitment to continue strengthening our approach to Information Governance.

#### **5. Significant current and emerging Data Privacy, Cybersecurity, and Information Governance (IG) issues**

##### **Data Privacy**

The significant governance issue that was previously reported has since been closed. There remain two historic audit actions outstanding, with work progressing to mitigate the risk in these areas. The

audit actions will remain open until we are satisfied that there is sufficient robust evidence to allow closure.

Areas for further focus include:

**Contracts** - Work continues on an all-encompassing contracts workstream to ensure all historic contracts are up to date and compliant with GDPR, Procurement Regulations and NHS toolkit requirements. The contract detail is continually refreshed and represents a robust source of information.

**Systems where we have challenges complying with Retention & Disposal** – The Council uses a number of legacy systems which due to the age and development architecture are unable to comply with current legislation. The Service areas via the IG Committee have identified a small number of systems where there are challenges complying with Retention and Disposal, this information will flow into the system infrastructure and data management piece of work

### Information Security/Cyber Security

Our IT and Cybersecurity services are delivered through a collaboration agreement with Lancashire County Council Digital (LCCD). It is LCCD's responsibility to ensure our councils IT infrastructure has robust policies and procedures in place to help wherever possible prevent attacks against our corporate, employees and customer data. To support this activity WLBC via LCCD engage a third party company to undertake an IT Health Check of the environment. The test took place in February 2023, following which a detailed report will be received and a corresponding action plan will be captured by LCCD to address the gaps identified. This action plan will then support our application for a Public Service Network (PSN) connection compliance certificate later this year.

## 6. Roadmap of priorities for compliance going forward in 2023 – 2024

Whilst work has commenced on all of the priorities detailed below with 50% having been completed. Looking ahead into 2023 -2025 work will continue in all these areas to strengthen all aspects through the Information Governance and Operational Compliance Mangers Service Action Plan, which will be further supported by the Information Commissionaires Accountability Tracker.





## 7. Summary

Within the report, strong evidence continues to confirm that the organisation is committed to embedding a robust approach to effective information governance. This continues to be driven by the SIRO, the new DPO, The Information Governance Officer and the Information Governance Committee operating model.

The focus this year will be to continue to strengthen our approach to effective data management, through the introduction of a new operating model, that is committed to creating capacity, capability and continuity, both within the team and across the organisation. This approach will be to strengthen alongside the development of innovative and dynamic processes, housed within effective systems, that evidence improved performance and allow us to target intervention in areas that may require it.

Senior Leaders continue to be committed to embedding a culture of " Our Data, Our Responsibility" as they recognise that the work delivered within the Effective Data Management Project must continue, as this allows us to be a compliant organisation, whilst being efficient and effective in the delivery of the Council's business operating within a transparent decision making framework.

## Appendix A Freedom of Information Act 2000 and EIR requests

### Emerging themes and planned improvements

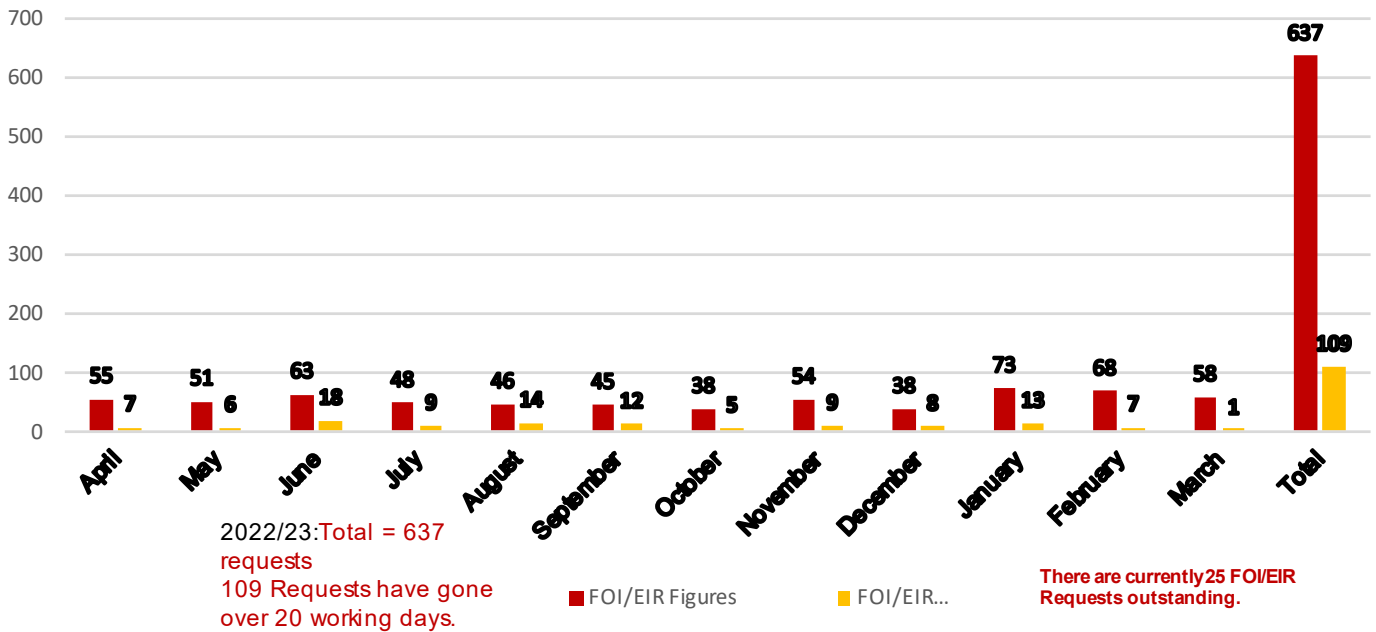
- In terms of the number of requests for an internal review (This is where the requester of the FOI / EIR requests an internal review of the information initially provided), 4 requests were received (versus 10 in the last reporting period). Following the subsequent response, which were all within the 20 day statutory timescale, there were no further escalations made to the ICO, which overall demonstrates the robustness of the evidence supplied.
- It is disappointing to report that we have not been able to deliver a consistent monthly response performance above 90% against the 20 day statutory time limit with an average performance of 82% for the overall 22 – 23 period.
- This has been due to a number of reasons, resource, the turnover of staff and the loss of experience in a few areas, but in particular the number of requests to Planning & Regulatory Service which remains high and constant. Where possible, and for routine enquiries, information is provided on the Council's website to allow the public to view the information themselves. The available staff resources within services remains a challenge, and whilst efforts to support recruitment continue, additional resources have been applied to those services with a higher number of enquiries to help support and coordinate responses during 23/24.
- Remedial action plans were introduced with regular reporting of performance via the IG Committee and to the Heads of Service and the SIRO. As is evident from the February and March data, the actions have been somewhat successful. Monitoring / escalation will continue until a continual upward trend is evident and all areas are reporting positively.

FOI & EIR Requests 2022/23	Number of Requests received	% of responses within 20 working days	Number of requests over 20 working days	Number of internal reviews	Number of complaints to the ICO
Apr	55	87%	7	2	0
May	51	88%	6	0	0
Jun	63	71%	18	0	0
Jul	48	81%	9	0	0
Aug	46	70%	14	0	0
Sep	45	73%	12	0	0
Oct	38	87%	5	0	0
Nov	54	83%	9	1	0
Dec	38	79%	8	0	0
Jan	73	82%	13	1	0
Feb	68	90%	7	0	0
Mar	58	98%	1	0	0
<b>Total</b>	<b>637</b>	<b>82%</b>	<b>109</b>	<b>4</b>	<b>0</b>

# FOI/EIR Statistics 2022/23 – Monthly



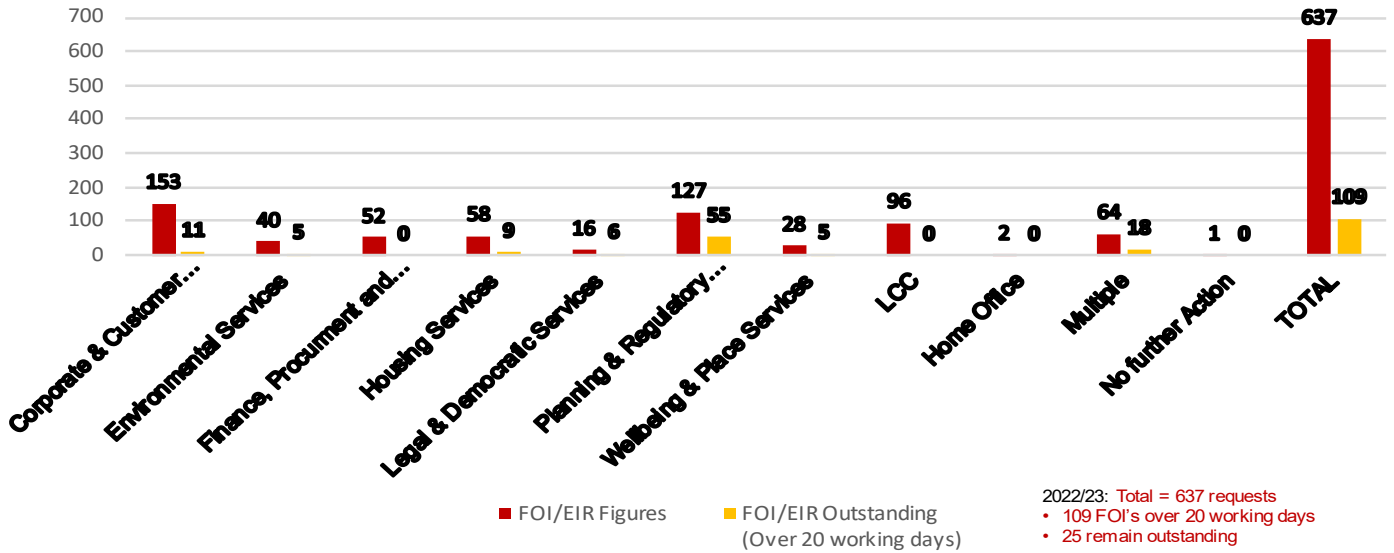
Overall FOI requests from 1 April 2022 – present



# FOI/EIR Statistics 2022/23



Overall FOI requests from 1 April 2022 – present



## Appendix B Subject Access Requests (SAR)

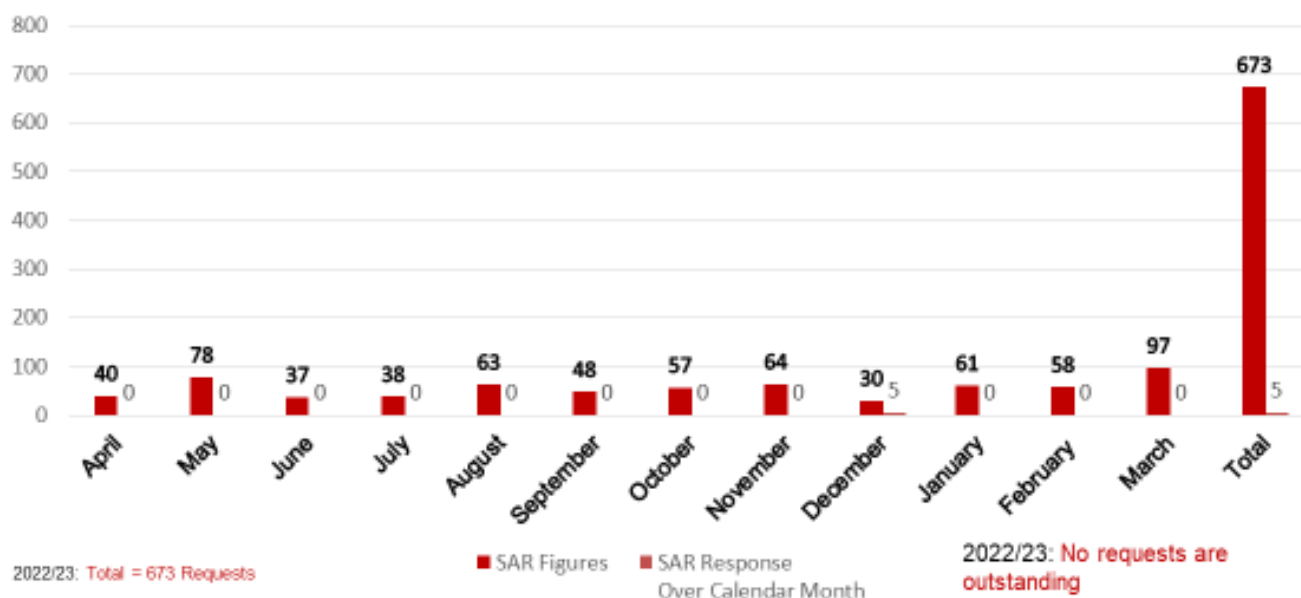
### Emerging themes and planned improvements

- 98% of SAR's were responded to within the calendar month statutory timescale with an average response time of 1 to 2 days.
- The increase in overall numbers is a result of the volume of internal requests. All such requests are routed via the DPO and logged to provide a transparent audit trail of requests between service areas, this has provided more robust evidence of demand management.
- Police, statutory body and local authority requests have increased by approximately 5%
- Housing Services have seen an **60%** increase in SARs being raised linked to enforcement protocols

# SAR Statistics 2022/23 - Monthly



SAR requests from 1 April 2022 – present





## Appendix C Data Breaches

Emerging themes and planned improvements

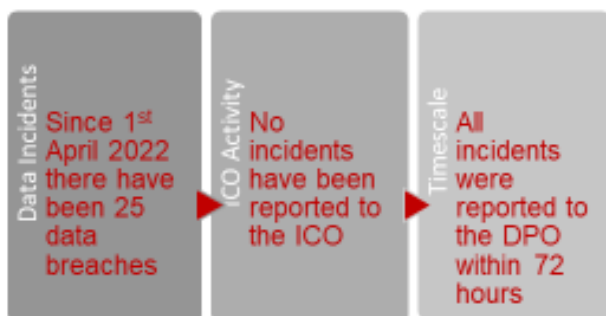
- Paper / post continues to be highest source linked to breaches
- All breaches were reported within the internal and external timescales of 72 hours.
- All incidents have been fully investigated by the teams with the outcomes shared with the DPO for overview and challenge as to remedial actions undertaken.

The following table shows the number of data breaches and the root cause for the period of 1<sup>st</sup> April 2022 – 31<sup>st</sup> March 2023.

## Data Breach Statistics 2022/23



Period 1st April 2022 - present

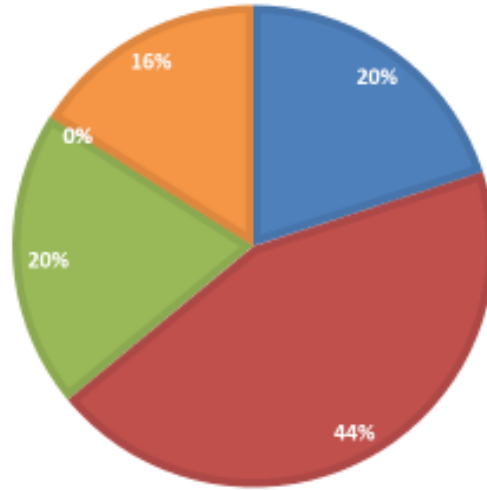


We must celebrate the fact that everyone who has been involved has delivered to the expected standard, hence delivering 100% compliance . 38 Breaches were reported in 2021/22



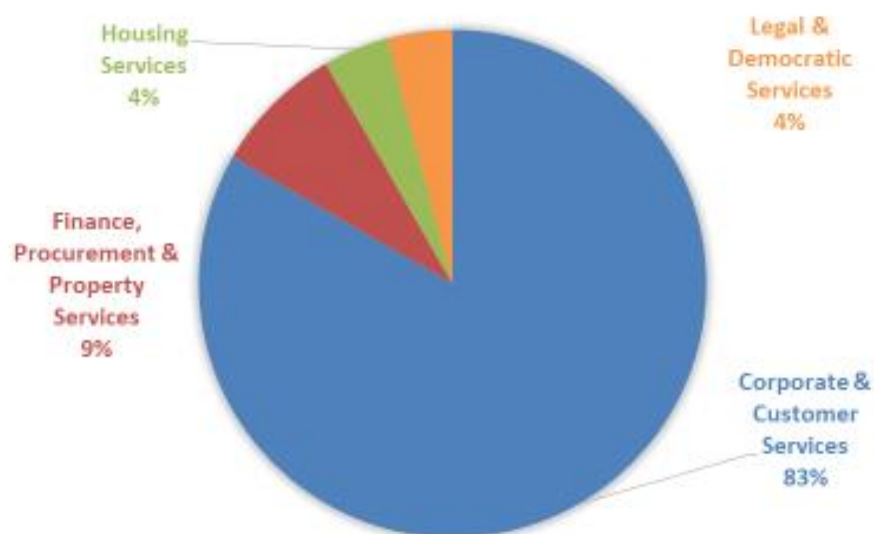
### DATA INCIDENTS BY TYPE 2022/23

■ Internal Email ■ External Email ■ Post/Paper ■ Mobile ■ I-Pad ■ Other



The pie chart below represents the volume of data breaches per service area. The highest volume for 22 - 23 was reported by Corporate and Customer Services at 84%. This is a significant increase from the 15% reported in 20 - 21. As a frontline service to the Borough Corporate and Customer Services experience high volumes of interaction from residents, either by face to face, telephone, post or email in comparison to other service areas.

Incidents by Directorate 2022/23



Learning continues to take place, which includes the development and implementation of tools and measures which aim to improve our overall information governance and cyber-security compliance.

The Information Governance Officer and DPO have worked across the Council to create a supportive culture around incident management, to ensure colleagues are not afraid to report incidents, and this is again reflected in the figures we see reported this year.

We have introduced training, robust reporting and empowered staff across the Council to be proactive when a breach occurs, so that we can deal with the issue, but also learn from it.

Colleagues are encouraged to share their concerns and seek advice at any point within the data breach journey.

Cyber Security is not just LCCD's responsibility, good recovery is about senior managers using their knowledge of their information and systems and working with our ICT Client Manager and Information Governance team to be as well prepared as is realistically possible.

Our Information Governance team has collaborated with other teams on a broad range of projects and programmes across the Council, working to ensure that information security, data privacy and regulatory compliance is maintained as new and more efficient ways of working are introduced.

This has included:

- Working with the procurement and the legal team on a new approach to the tendering process, which will include DPIA being part of the procurement checklist moving forward.
- Engagement of the ICT Client Manager to provide advice on Information Governance issues and risks before new assets are purchased.
- Working with colleagues and the programme leads to ensure that information security and cyber security controls are considered in the early stages of a project, in line with Data Protection by Design and Default and ICO expectations.

Whilst this approach has ensured proper mitigation and management of Information Governance risks on many projects, it has also led to an increase in demand on IG resources, which is being monitored, so that we can ensure that resources are being utilised effectively to deliver the desired outcomes.



**AUDIT AND GOVERNANCE COMMITTEE:**  
**24 October 2023**

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**Report of:** Corporate Director of Transformation, Housing & Resources

**Contact for further information:** Jacqui Pendleton (Extn. 2603)  
(E-mail: [Jacqui.pendleton@westlancs.gov.uk](mailto:Jacqui.pendleton@westlancs.gov.uk))

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**SUBJECT:** Local Code of Governance 2023-25

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Wards affected: Borough wide

## **1.0 PURPOSE OF THE REPORT**

- 1.1 To present the Council's updated Local Code of Governance as recommended in the Chartered Institute of Public Finance and Accountancy (CIPFA) and the Society of Local Authority Chief Executives (SOLACE) 2016 Framework, "Delivering Good Governance in Local Government".

## **2.0 RECOMMENDATION**

- 2.1 That Members consider and approve the Local Code of Governance 2023-25 (Appendix 1).
- 2.2 That Members agree that, to fall in line with committee meeting dates, the Code of Corporate Governance - 2025/26 be brought to this committee in May 2025.

## **3.0 BACKGROUND**

- 3.1 In order to comply with best practice for producing the Annual Governance Statement, as set out in the CIPFA/SOLACE publication "Delivering Good Governance in Local Government: Framework" (the framework), it is recommended that all local government bodies develop and have in place a Local Code of Governance (the code). The code should set out how the authority's governance arrangements work towards meeting the seven principles of good governance set out in the framework.
- 3.2 A review of the 2016 Local Code of Governance has been undertaken and updated in accordance with the framework. Additionally, the code has been benchmarked against CIPFA's "Ten Questions to Ask About Your Local Code of Governance". (Appendix 2)
- 3.3 The terms of reference of this Committee include responsibility for approving the Council's Local Code of Governance.

#### **4.0 CURRENT POSITION**

- 4.1 Since the Local Code of Governance was reviewed and approved by this committee in June 2016, the Council has gone through significant change and therefore a refresh of the code has been undertaken to reflect this.
- 4.2 In order to comply with best practice the code will be reviewed, updated as required, and presented to this committee for consideration and approval on an annual basis. The next review is scheduled for January 2025 and will be presented to this committee, at the next available committee meeting.

#### **5.0 SUSTAINABILITY IMPLICATIONS**

- 5.1 There are no significant sustainability impacts associated with this report and, in particular, no significant impact on crime and disorder.

#### **6.0 FINANCIAL AND RESOURCE IMPLICATIONS**

- 6.1 The financial and resource implications arising from activity identified in this report are included in existing budget provisions.

#### **7.0 RISK ASSESSMENT**

- 7.1 To achieve good governance, and for the Council to demonstrate that its governance structures comply with the core and sub-principles contained within the CIPFA/SOLACE Delivering Good Governance in Local Government Framework – 2016 edition, a local code of governance should be developed and maintained.

#### **8.0 HEALTH AND WELLBEING IMPLICATIONS**

- 8.1 There are no health and wellbeing implications arising from this report.

#### **Background Documents**

There are no background documents (as defined in Section 100D(5) of the Local Government Act 1972) to this Report.

#### **Equality Impact Assessment**

The decision does not have any direct impact on members of the public, employees, elected members and / or stakeholders. Therefore, no Equality Impact Assessment is required.

#### **Appendices**

1. Local Code of Governance 2023-25
2. CIPFA - Ten Questions to Ask About Your Local Code of Governance



## **Local Code of Governance 2023-25**

**Version Control – Key Information:**

<b>Title:</b>	Local Code of Governance
<b>Document Status:</b>	Draft
<b>Author:</b>	Corporate Compliance & Governance Manager
<b>Owner:</b>	Executive Management Team (EMT)
<b>Date of Publication:</b>	October 2023
<b>Date of Review:</b>	January 2025

**Revision History:**

<b>Version</b>	<b>Date</b>	<b>Summary of Changes</b>
1.0	08/09/2023	Final Version circulated for comments
2.0	20/09/2023	Signed off by EMT
Draft	24/10/2023	Audit & Governance Committee for approval
Final		

DRAFT



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DRAFT

# 1. Introduction

## Good Governance

Good governance is about how West Lancashire Borough Council ensures that it is doing the right things, in the right way, for the communities it serves, in a timely, inclusive, open, honest and accountable manner. Good governance will enable the Council to pursue its vision and secure its agreed priorities in the most effective and efficient manner.

## Our Commitment

West Lancashire Borough Council is committed to upholding the highest possible standards of good corporate governance, believing that good governance leads to high standards of management, strong performance, effective use of resources, increased public involvement and trust in the Council and ultimately good outcomes. Good governance flows from shared values, culture and behaviour and from systems and structures. This Local Code of Governance is a public statement that sets out the framework through which the Council meets its commitment to good corporate governance.

## The Governance Framework

The Governance Framework comprises the systems and processes, and cultures and values, by which the Council is directed and controlled and through which it accounts to, engages with and, where appropriate, 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.

Corporate governance in West Lancashire Borough Council is based on the following principles recommended by the Chartered Institute of Public Finance and Accountancy / Society Of Local Authority Chief Executives and Senior Managers (CIPFA/SOLACE) in a joint document entitled “Delivering Good Governance in Local Government (2016 Edition)” which builds on the seven “Principles for the Conduct of Individuals in Public Life” (Appendix A):

The seven principles of Corporate Governance laid out in the CIPFA/SOLACE Framework: Delivering Good Governance in Local Government (2016 Edition) are as follows:

- 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 necessary to optimize the achievement of intended outcomes.
- 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; and
- G. Implementing good practices in transparency, reporting and audit, to deliver effective accountability.



(International Framework: Good Governance in the Public Sector (CIPFA/IFAC, 2014) (the “International Framework”)

The Framework is based on the principles in the inner circle permeating and being evident throughout the application of the principles in the outer circle. The diagram also illustrates that good governance is dynamic and involves continuous evaluation and review.

This document describes how the Council achieves the seven principles of good governance and describes how the council’s corporate governance arrangements will be monitored and reviewed.

## 2. How West Lancashire Borough Council Achieves the Seven Principles of Good Governance.

Principle A - Behaving with integrity, demonstrating strong commitment to ethical values, and respecting the rule of law		
Sub Principles	How West Lancashire Borough Council Achieves the Principle	This is evidenced by
<ul style="list-style-type: none"> <li>Behaving with integrity.</li> <li>Demonstrating strong commitment to ethical values.</li> <li>Respecting the rule of law.</li> </ul>	<ul style="list-style-type: none"> <li>The Council has an agreed constitution which sets out how the Council operates, how decisions are made and the procedures that are followed to ensure that these are efficient, transparent and accountable to local people. It also refers to the adherence of the Seven Principles of Public Life (the 'Nolan Principles').</li> <li>The Council has put processes in place to minimise the risk that its councillors and employees act in an improper way (influenced by prejudice, bias or conflict of interest) when dealing with stakeholders.</li> <li>The Council has Codes of Conducts and a suite of policies and procedures for councillors and employees which define the standards of behaviour expected. Deviation from these policies may result in the use of the embedded disciplinary processes in place.</li> <li>The Council has approved Management and Employee Core Expected Behavioural Standards in place. All employees of the Council are expected to display the Employee Core Expected Behavioural Standards whilst they are undertaking their duties. Employees who are appointed as supervisors and managers are expected to display certain Manager Expected Behavioural Standards as well as the Employee Core Expected Behavioural Standards.</li> <li>The Council's Vision and Priorities are clear and demonstrates its commitment to its stakeholders.</li> <li>The Standards Committee ensure that there are high standards of ethical governance from elected members of the Council. The committee provides a summary of its work in its annual report.</li> <li>The Chief Operating Officer is designated Head of Paid Services and is responsible for reporting to Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.</li> <li>The Head of Finance, Procurement and Commercial Services is the designated Chief Finance Officer and is responsible for ensuring lawfulness and financial prudence of decision making, administering the financial affairs of the Council, contribute to the corporate management of the Council through the provision of professional financial advice, provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors and the elected mayor and will support and advise</li> </ul>	<ul style="list-style-type: none"> <li>Constitution</li> <li>Council Plan</li> <li>Codes of conduct</li> <li>Council Meeting minutes</li> <li>Anti-Fraud &amp; Corruption Policy</li> <li>Whistleblowing Code</li> <li>Internal Audit reports</li> <li>Register of Interests</li> <li>Register of Gifts &amp; Hospitality</li> <li>Complaints Procedure</li> <li>Council Vision and Priorities</li> </ul>

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

Sub Principles	How West Lancashire Borough Council Achieves the Principle	This is evidenced by
	<p>councillors and officers in their respective roles; and provide financial information to the media, members of the public and the community when required.</p> <ul style="list-style-type: none"> <li>The Head of Legal &amp; Democratic Services undertakes the role of the Monitoring Officer. Details of the role of the Monitoring Officer is documented in the Monitoring Officer Protocol and Council Constitution. The role includes maintaining the Council Constitution, ensuring that Council decisions are taken in a lawful and fair way, correct procedures are followed, and that all applicable laws and regulations are complied with.</li> </ul>	

**Principle B - Ensuring openness and comprehensive stakeholder engagement**

Sub Principles	How West Lancashire Borough Council Achieves the Principle	This is evidenced by
<ul style="list-style-type: none"> <li>Openness.</li> <li>Engaging comprehensively with institutional stakeholders.</li> <li>Engaging with individual citizens and service users effectively.</li> </ul>	<ul style="list-style-type: none"> <li>The Council publishes all relevant information (as required by the Local Government Transparency Code 2015) on its website.</li> <li>The Council's website contains comprehensive information pertaining to the services provided by West Lancashire Borough Council and its partners.</li> <li>The Council's decision-making information, including committee agendas and minutes (not restricted) is available via the council's website and intranet.</li> <li>Members of the public can inspect the council's financial statements, attend council meetings and make representations at the Planning Committee.</li> <li>The Council undertakes consultation exercises regularly including budget proposals, these can be found on the Council's website.</li> </ul>	<ul style="list-style-type: none"> <li>Public attendance at Council meetings</li> <li>Constitution</li> <li>Local Plan</li> <li>Publication of all council agendas and minutes</li> <li>Public inspection of accounts by our customers</li> <li>Public speaking in planning committee</li> <li>Consultation exercises</li> </ul>

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

Sub Principles	How West Lancashire Borough Council Achieves the Principle	This is evidenced by
<ul style="list-style-type: none"> <li>Defining outcomes.</li> <li>Sustainable economic, social and environmental benefits.</li> </ul>	<ul style="list-style-type: none"> <li>The Council is committed to community engagement and involvement.</li> <li>The Council has a new Council Plan 2023-2028 which will provide a framework for the next five years. There will be an associated delivery plan which is refreshed annually.</li> <li>The Council has a clear vision for the future as set out in its Vision and Council Priorities which considers all relevant economic, social and environmental factors. Outcomes are reported in the Annual Council Report which available on the Council website.</li> </ul>	<ul style="list-style-type: none"> <li>Our council vision and priorities</li> <li>Council Plan 2023-2028</li> <li>Annual Governance Statement</li> <li>Statement of Accounts</li> <li>External Auditors letter and report</li> <li>Service Action Plans</li> <li>Local Plan</li> </ul>

<b>Principle C- Defining outcomes in terms of sustainable economic, social and environmental benefits</b>		
<b>Sub Principles</b>	<b>How West Lancashire Borough Council Achieves the Principle</b>	<b>This is evidenced by</b>
	<ul style="list-style-type: none"> <li>The Council has structured budget and treasury management processes in place.</li> <li>Each Council service area has its own service action plan that contributes to delivering an effective service.</li> <li>The Council's wholly owned company, Tawd Valley Developments has its own website where information regarding current and future developments and the Annual Review Report are documented. A TVD Shareholders committee is also in place and is made up of cross-party membership.</li> <li>The Council declared a Climate Emergency in 2019 and has a Climate Change Strategy and Action Plan 2023 in place which can be found on the Council Website.</li> <li>Climate Action news is available on the Council Website and details actions to deliver carbon reduction projects across West Lancashire.</li> </ul>	<ul style="list-style-type: none"> <li>Performance Management framework</li> <li>Project management</li> <li>Publication of transparency data</li> </ul>

<b>Principle D - Determining the interventions necessary to optimise the achievement of the intended outcomes</b>		
<b>Sub Principles</b>	<b>How West Lancashire Borough Council Achieves the Principle</b>	<b>This is evidenced by</b>
<ul style="list-style-type: none"> <li>Determining interventions.</li> <li>Planning interventions.</li> <li>Optimising achievement of intended outcomes.</li> </ul>	<ul style="list-style-type: none"> <li>The Council operates a Scrutiny and Review Committee system, and the decision-making process allows for challenge where necessary.</li> <li>The Council has a robust financial strategy with financial planning protocols in place (Medium Term Financial Strategy, annual budget monitoring and Forward Plans).</li> <li>Cabinet receives regular reports on the General Revenue, Housing Revenue and Capital Budgets.</li> <li>The Council engages and undertakes consultation exercises with its stakeholders in relation to service provision changes and new initiatives.</li> <li>The Council Plan is underpinned by individual Service Action Plans which set out the core priorities and activities for each service.</li> </ul>	<ul style="list-style-type: none"> <li>Risk Management Framework</li> <li>Medium Term Financial Strategy</li> <li>Forward Plan</li> <li>Financial and performance reporting to Cabinet</li> <li>Business Continuity Plans</li> <li>Disaster recovery arrangements and emergency plan</li> <li>Council strategies &amp; policies</li> <li>Council Consultation exercises</li> </ul>

<b>Principle E - Developing the entity's capacity, including the capability of its leadership and the individuals within it</b>		
<b>Sub Principles</b>	<b>How West Lancashire Borough Council Achieves the Principle</b>	<b>This is evidenced by</b>
<ul style="list-style-type: none"> <li>Developing the entity's capacity.</li> <li>Developing the capability of the entity's leadership</li> </ul>	<ul style="list-style-type: none"> <li>The Council has an agreed constitution which details roles and responsibilities of councillors and key officers of the Council.</li> </ul>	<ul style="list-style-type: none"> <li>Constitution</li> <li>Induction Procedure</li> <li>Council Policies and Procedures</li> </ul>

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

Sub Principles	How West Lancashire Borough Council Achieves the Principle	This is evidenced by
<p>and other individuals.</p>	<ul style="list-style-type: none"> <li>• The Council requires all new employees and councillors to undertake an induction process.</li> <li>• The Council has an Our People Strategy in place.</li> <li>• The Council has a number of human resource policies in place to support employees and managers.</li> <li>• Employee training needs are identified through the annual appraisal process.</li> <li>• The Council has a training system in place which includes mandatory modules for employees to complete and a selection of other useful training modules.</li> <li>• Financial Regulations are contained within the Council's Constitution and all employees are required to operate within them.</li> <li>• A number of new projects are being progressed as part of the Council's Our Futures Strategy.</li> <li>• The Council works with a number of partners in order to deliver services throughout the borough.</li> </ul>	<ul style="list-style-type: none"> <li>• 1:1 Documents</li> <li>• Occupational Therapy Service</li> <li>• Annual Development Appraisals</li> <li>• Financial Regulations</li> <li>• Health and Safety Procedures and support</li> <li>• Project Strategy and Delivery Plans</li> <li>• Mandatory training reports.</li> </ul>

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

Sub Principles	How West Lancashire Borough Council Achieves the Principle	This is evidenced by
<ul style="list-style-type: none"> <li>• Managing risk.</li> <li>• Managing performance.</li> <li>• Robust internal control.</li> <li>• Managing data.</li> <li>• Strong public financial management.</li> </ul>	<ul style="list-style-type: none"> <li>• The Council has a Risk Management Framework and toolkit in place which is updated annually. All members and employees receive mandatory training in it.</li> <li>• The Council's has a suite of Key Performance Indicators which are managed and monitored using the Pentana Risk System. Reports on performance are presented to Executive Overview and Scrutiny Committee on a regular basis.</li> <li>• A system of scrutiny and review is in place as part of the Council's decision-making process.</li> <li>• The Council has an Audit and Governance Committee who meet quarterly and provide independent assurance of the adequacy of the Council's Risk Management Framework and the associated control environment.</li> <li>• The Council has a Standards Committee in place and are required to promote and maintain high standards of conduct throughout the Council and create a sense of 'ethical well-being' and ensure that Councillors and Co-opted Members within West Lancashire follow the highest standards of conduct.</li> <li>• An Internal Audit Service is maintained that is compliant with the Public Sector Internal Audit Standards 2017 and it reports quarterly to the Audit and Governance Committee.</li> </ul>	<ul style="list-style-type: none"> <li>• Risk Management Policy and Toolkit.</li> <li>• Risk Registers - Pentana</li> <li>• Performance Reports to Cabinet</li> <li>• Internal Audit Annual Report and Opinion</li> <li>• Internal Audit Reports</li> <li>• Internal Audit Charter</li> <li>• Internal Audit Progress Reports</li> <li>• PSIAS 2017 External Report – February 2023</li> <li>• SIRO Annual Report</li> <li>• Annual Governance Statement</li> <li>• Information Governance Policies and Procedures</li> <li>• Medium Term Financial Strategy</li> <li>• Statement of Accounts</li> </ul>



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

Sub Principles	How West Lancashire Borough Council Achieves the Principle	This is evidenced by
	<ul style="list-style-type: none"> <li>• The role of the Head of Internal Audit is undertaken by the Corporate Compliance and Governance Manager (CCGM). The CCGM conforms with the governance requirements of the CIPFA Statement on the Role of the Head of Internal Audit (2019).</li> <li>• The Council maintains policies and arrangements in respect of Anti-fraud, Bribery &amp; Corruption, Anti-Money Laundering and Whistleblowing.</li> <li>• A data management framework and procedures are in place and are readily available to all members of staff.</li> <li>• The Council has appointed a Senior Information Risk Owner and Data Protection Officer (DPO). The DPO provides the Council with independent assurance regarding compliance with the data protection law.</li> <li>• The Council has an Information Governance Committee (IGC) and has appointed Information Asset Owners who are required to attend and contribute to IGC meetings.</li> <li>• Effective arrangements are in place and operating effectively for the collection, storage and sharing of information.</li> <li>• The Council complies with the NHS Data Security and Protection Toolkit.</li> <li>• The Council has a robust financial strategy with Financial Planning protocols in place (Annual Budget Monitoring, Medium Term Financial Strategy and Forward Plans).</li> <li>• The Council's Financial Statements are available to the Public on the Council's website.</li> </ul>	

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

Sub Principles	How West Lancashire Borough Council Achieves the Principle	This is evidenced by
<ul style="list-style-type: none"> <li>• Implementing good practice in transparency.</li> <li>• Implementing good practices in reporting.</li> <li>• Assurance and effective accountability</li> </ul>	<ul style="list-style-type: none"> <li>• The Council has a website that is designed for ease of navigation. There are tabs across the top which are designed to assist the public. The services are grouped together so that the intended user can locate the service that they require. There are also links to Lancashire County Council and a list of the links to their website for the services that they provide.</li> <li>• Information about the Council's spending, strategies and performance is all disclosed on the Council website for the public to view.</li> <li>• The Council Annual Report is published on the Council Website.</li> <li>• The Council's Financial Statements and External Auditor's Letters are available on the Council's website.</li> <li>• The Council produces Financial Statements in accordance with CIPFA's Practice on Local Authority Accounting in the UK following</li> </ul>	<ul style="list-style-type: none"> <li>• Council Website</li> <li>• Council Annual Report</li> <li>• Council financial spending reports</li> <li>• Financial statements</li> <li>• External Auditor Reports and letters.</li> <li>• Annual Governance Statement</li> <li>• LGA Peer review reports</li> </ul>



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

Sub Principles	How West Lancashire Borough Council Achieves the Principle	This is evidenced by
	<p>International Financial Reporting Standards (IFRS). The Financial Statements are scrutinised by the External Auditor with a separate report produced.</p> <ul style="list-style-type: none"> <li>• An Annual Governance Statement is produced and incorporated into the Council's approved Financial Statements.</li> <li>• The Council has undergone an LGA Peer review and published the findings on its website. Additionally, the outcome of the follow up review has also been published.</li> </ul>	

### 3. Monitoring and Reporting

The Code is reviewed annually, and the outcome of the review, along with adoption of any revision to the Code is reported annually to the Audit and Governance Committee. It is then presented to Council for approval.

The Council will undertake an annual review of its governance arrangements to ensure continuing compliance with best practice to provide assurance that corporate governance arrangements are adequate and operating effectively in practice. Where reviews of the corporate governance arrangements have revealed gaps, actions will be planned to enhance the governance arrangements accordingly.

The Council will prepare an Annual Governance Statement which will be submitted to the Audit and Governance Committee for consideration and will form part of the Council's annual Financial Statement.

The Annual Governance Statement will include:

- an acknowledgement of responsibility for ensuring there is a sound system of governance and system of internal control.
- a brief description of the key elements of the governance arrangements.
- a brief description of the process that has been applied in maintaining and reviewing the effectiveness of the governance arrangements.
- an evaluation of the level of assurance that the systems and processes that comprise the Council's governance arrangements can provide; and
- an outline of the actions taken, or proposed, to deal with significant governance and internal control issues.

The Annual Governance Statement will be signed by the Leader of the Council and the Chief Operating Officer on behalf of the Council.

## **APPENDIX A - The Seven Principles of Public Life**

The Seven Principles of Public Life (also known as the Nolan Principles) apply to anyone who works as a public office-holder. This includes all those who are elected or appointed to public office, nationally and locally, and all people appointed to work in the Civil Service, local government, the police, courts and probation services, non-departmental public bodies (NDPBs), and in the health, education, social and care services. All public office-holders are both servants of the public and stewards of public resources. The principles also have application to all those in other sectors delivering public services.

### **1. Selflessness**

Holders of public office should act solely in terms of the public interest.

### **2. Integrity**

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

### **3. Objectivity**

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

### **4. Accountability**

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

### **5. Openness**

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

### **6. Honesty**

Holders of public office should be truthful.

### **7. Leadership**

Holders of public office should exhibit these principles in their own behaviour and treat others with respect. They should actively promote and robustly support the principles and challenge poor behaviour wherever it occurs.

## Ten Questions to Ask About Your Local Code of Governance

### Briefing from the CIPFA Better Governance Forum

	Question	Comments
1	Do we have a local code of governance?	<i>It isn't mandatory, but CIPFA do recommend it.</i>
2	Does it refer to the seven principles of good governance, as set out in the 2016 Framework?	<i>There are still examples that refer to the six principles of the 2007 Framework.</i>
3	How up to date is it?	<i>Some codes were created in 2016 and have not been updated since. An annual review is recommended.</i>
4	Is it available on the website?	<i>Some codes are not easily available, losing an opportunity to improve openness and transparency.</i>
5	Does the narrative on the website explain what it is and why governance matters?	<i>Some local codes are only available as a download, or in committee papers, with no context or explanation of its purpose. This does not support greater transparency.</i>
6	Does the code set out your local arrangements?	<i>This is key.</i>  <i>It should set out how you ensure the principles are met in your authority.</i>  <i>Identify your own values, policies, and priorities.</i>  <i>Many poor-quality codes fail to do this.</i>

	Question	Comments
7	Is it user-friendly, including links to further information?	<i>Make the code a helpful resource with weblinks to further information and make sure it is user friendly.</i>
8	Is your audit committee regularly sighted on it?	<i>The audit committee should be familiar with the local code as it will underpin other work on governance.</i>
9	Is it used as the basis for assurance work?	<i>Internal audit should refer to it when providing audit opinions.  It should be the basis for the annual review for the AGS.</i>
10	Does your annual governance statement refer to it?	<i>A good local code allows the AGS to focus on evaluation of how well governance works in practice, rather than a description of arrangements.</i>



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**Report of: Head of Finance, Procurement and Commercial Property**

**Relevant Portfolio Holder: Councillor R Molloy**

**Contact for further information: Name Catherine Kirwan (Extn. 3273 )  
(E-mail: [catherine.kirwan@westlancs.gov.uk](mailto:catherine.kirwan@westlancs.gov.uk))**

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**SUBJECT: Quarterly Report on Procurement Exemptions**

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Wards affected: Borough Wide Interest

## **1.0 PURPOSE OF THE REPORT**

1.1 To report on the Council's use of an exemption from Public Contracts Regulations 2015 and/ or Council's Contract Procedure Rules.

## **2.0 RECOMMENDATIONS TO AUDIT AND GOVERNANCE COMMITTEE**

2.1 That the Council's exemption activity as reported in appendices to this report be noted.

## **3.0 BACKGROUND**

3.1 Public bodies must comply to the regulations set down in Public Contract Regulations 2015 and their own internal Contract Procedure Rules in relation to the use of public monies.

3.2 In exceptional circumstances, a waiver of certain Public Contract Regulations 2015 and / or Contract Procedure Rules may be required in order to achieve the Council's aims.

## **4.0 MONITORING OF EXEMPTIONS**

4.1 The Council has not had cause to grant an exemption from Public Contract Regulations 2015 and / or Contract Procedure Rules during the last quarter.

4.2 The Council has granted one exemption during the last 12 months.

## **5.0 INDIVIDUAL EXEMPTION REPORTS**

- 5.1 Each exemption granted in the last 12 months is annexed to this report.
- 5.2 Appendix 1 details an exemption granted in January 2023 in relation to ESRI.

## **6.0 SUSTAINABILITY IMPLICATIONS**

- 6.1 There are no significant sustainability impacts associated with this report.

## **7.0 FINANCE AND RESOURCE IMPLICATIONS**

- 7.1 There are no significant financial and resource implications arising from this report.
- 7.2 Individual exemption reports assess the financial impact of the decision.

## **8.0 RISK ASSESSMENT**

- 8.1 Without the use of an exemption the Council may not be able to carry out its duties to the public.
- 8.2 Each exemption is considered on its own merit and risk-based decision is made.

## **10.0 HEALTH AND WELLBEING IMPLICATIONS**

- 10.1 There are no health and wellbeing implications envisaged from this report.

### **Background Documents**

There are no background documents (as defined in Section 100D(5) of the Local Government Act 1972) to this Report.

### **Equality Impact Assessment**

This will be considered in relation to any particular exemption.

### **Appendices**

- 1. Appendix 1 – Esri Exemption Report Jan 23.

**West Lancashire Borough Council**

**Procurement Practice Note No. 17: Exemption to Contracts Procedure Rules to be granted by Chief Operating Officer**

The attached document should be completed by the officer seeking the exemption.

The document should then be signed by the officer seeking the exemption and presented to the Procurement and Contracts Manager who should then complete the relevant section of the document either endorsing the request for an exemption to Contracts Procedure Rules or detailing why it may not be wise to grant the exemption requested.

The Procurement and Contracts Manager should then present the request document to the Chief Operating Officer for signature.

Any queries about the completion and/or submission of the attached pro forma should be made to the Procurement and Contracts Manager, the Procurement Officer, or the Finance and Audit Manager.

**Request for Exemption from Contract Procedure Rules**  
**to be granted by the Chief Operating Officer**

**To: Chief Operating Officer**

**From:** *Tim Hodge*

**Service:** Estates

**Title of proposed Contract:** *Arc GIS Software Licence and Maintenance – supplied by ESRI*

**What will be purchased under the Contract:** ESRI provide GIS (Geographical Information System) solutions for WLBC. The software that they predominantly supply is ArcMap which is used by several members of staff within the Council. ArcMap also links with Uniform and this contract covers the support that they provide for any issues that arise within these systems. We are purchasing 6 licences for ArcMap and maintenance (support) for these systems.

**Estimate value of Contract:** £ 23,415

**Contracts Procedure Rule to which exemption is sought:** *6. Where the estimated value or amount of a proposed contract will exceed £10,000 but will not exceed £50,000 the appropriate Senior Officer shall obtain not less than three written quotations and accordingly, these Rules shall have no application in relation to such contracts insofar as they relate to the invitation, submission, custody, acceptance or opening of tenders. (Notes 2, 3, 11, 16 and 24)*

**It is not practicable to approach Cabinet (or another appropriate body of Members) to request an exemption to the above Contracts Procedure Rule because** Time Constraints

**Reason that compliance with Contract Procedure Rules is not practicable:** N15. (i) Rule 4 relates to the waiver of Contract Procedure Rules under special circumstances. Such special circumstances would include

- only one company makes the product which the Council wishes to purchase and no other product is a reasonable substitute

**Insert details of any competitive prices which have been obtained or benchmarking exercises carried out:** None carried out

**If Contracts Procedure Rules are exempted how can the Council be sure that the procurement process will be fair and transparent and that value for money will be obtained?**

Price quoted is reasonable compared to previous years costs

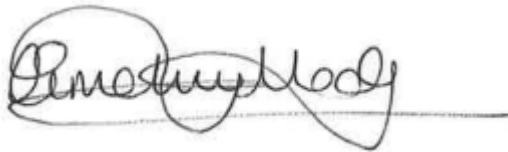


**Additional Information:**

This is a temporary, one-off solution and work with procurement over the next 12 months will benchmark the pricing against other similar software or explore the use of other software's and complete a tender process. The aim would be to secure a longer term contract with optional extension periods.

**If an exemption to Contract Procedure Rules is granted by the Chief Operating Officer you will need to produce, for your Head of Service's sign-off, an appropriate article for publication in the next "Members Update"; state here the issue number of the Members Update in which the article will appear: 1**

I hereby request an exemption to the Contract Procedure Rule stated above for the reasons explained




Signed by officer seeking exemption:

Date: 26/01/2023

**Comments from Procurement**

- (i) Having considered this request for an exemption to Contracts Procedure Rules it is my opinion that there are no factors which would prevent the Chief Executive from granting the exception if she is so minded to do.


**\*\*The service area are aware this is a one off solution and work will be required in the coming months to secure a more long term, benchmarked or tendered solution.\*\***

Signed .....  ..... Procurement and Contracts Manager

Date .....26.01.23.....

**Grant of Exemption**

Having considered the above I hereby exercise my delegated authority and grant the exemption to the Contract Procedure Rule(s) sought.

Signed  Director of Transformation and Resource

Date: 27/01/2023

Signed  Chief Operating Officer

Date 27/01/2023

Once this document has been signed by the Chief Operating Officer it should be returned to the officer seeking the exemption; the Chief Operating Officer may wish to keep a copy for record purposes

PROCUREMENTPRACTICENOTENO.17



**AUDIT AND GOVERNANCE  
COMMITTEE:  
24 October 2023**

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**Report of: Head of Legal and Democratic Services**

**Relevant Portfolio Holder: Councillor Y Gagen, Leader**

**Contact for further information: Mrs K Lovelady (Ext 5075)**

**(E-mail: [kay.lovelady@westlancs.gov.uk](mailto:kay.lovelady@westlancs.gov.uk))**

**Mrs J Williams (Extn. 3264)**

**(E-mail: [judith.williams@westlancs.gov.uk](mailto:judith.williams@westlancs.gov.uk))**

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**SUBJECT: REGULATION OF INVESTIGATORY POWERS ACT – USE OF POWERS**

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Wards affected: Borough Wide Interest

## **1.0 PURPOSE OF THE REPORT**

1.1 To report on the Council's use of its powers under the Regulation of Investigatory Powers Act 2000 (RIPA).

## **2.0 RECOMMENDATIONS TO AUDIT AND GOVERNANCE COMMITTEE**

2.1 That it be noted that the Council has not had cause to use its powers under the Regulation of Investigatory Powers Act 2000 (RIPA) during the last 12 months.

## **3.0 BACKGROUND**

3.1 The Regulation of Investigatory Powers Act 2000 (RIPA) came into force in 2000. Both the legislation and Home Office Codes of Practice strictly prescribe the situations in which and the conditions under which councils can use their RIPA powers.

## **4.0 MONITORING OF RIPA ACTIVITY**

4.1 In the last 12 months no covert surveillance has been authorised.

4.2 The Senior Responsible Officer proactively seeks to ensure that the use of covert surveillance in this authority is well regulated. Applications for authorisation to use covert surveillance must be rejected when the Authorising Officer is not satisfied that the surveillance is necessary or proportionate and legal advice should be sought by Authorising Officers in appropriate cases.

## **5.0 SUSTAINABILITY IMPLICATIONS**

- 5.1 There are no significant sustainability impacts associated with this report and, in particular, positive impacts on crime and disorder will be achieved by adhering to RIPA and the RIPA Policy.

## **6.0 FINANCE AND RESOURCE IMPLICATIONS**

- 6.1 There are no significant financial and resource implications arising from this report.

## **7.0 RISK ASSESSMENT**

- 7.1 The Council could be in breach of the relevant legislation if it does not follow the procedures set out in the RIPA Orders and Codes. This could result in the inadmissibility of evidence.

## **8.0 HEALTH AND WELLBEING IMPLICATIONS**

- 8.1 There are no health and wellbeing implications envisaged from this report.

### **Background Documents**

There are no background documents (as defined in Section 100D(5) of the Local Government Act 1972) to this Report.

### **Equality Impact Assessment**

This will be considered in relation to any particular authorisation.

## Audit and Governance Committee Work Programme – October 2023

Date	Briefing (Commencing 6.30pm)	Items
January 2024		<ol style="list-style-type: none"> <li>1. Internal Audit Progress Report 2023/24</li> <li>2. Interim External Auditors Annual Report (AAR)</li> <li>3. Interim External Audit Findings Report (AFR)</li> <li>4. Regulation of Investigatory Powers (RIPA) Act regular monitoring of use of powers</li> <li>5. Quarterly Report on Procurement Exemptions</li> </ol>
May 2024		<ol style="list-style-type: none"> <li>1. Grant Thornton – Audit Progress Report</li> <li>2. Internal Audit Charter 2024/25</li> <li>3. Internal Audit Strategy &amp; Internal Audit Plan 2024/25</li> <li>4. Internal Audit Progress Report 2024/25</li> <li>5. External Review of Internal Audit</li> <li>6. Annual Governance Statement 2023/24</li> <li>7. Regulation of Investigatory Powers (RIPA) Act – Annual setting of the Policy</li> <li>8. Quarterly Report on Procurement Exemptions</li> </ol>
July 2024		<ol style="list-style-type: none"> <li>1. Grant Thornton Progress Update</li> <li>2. Grant Thornton – Audit Plan 2023-24</li> <li>3. Internal Audit Annual Report 2023/24</li> <li>4. Senior Information Responsible Officer (SIRO) – Annual Report 2023/24</li> <li>5. Regulation of Investigatory Powers (RIPA) Act regular monitoring of use of powers</li> <li>6. Quarterly Report on Procurement Exemptions</li> </ol>
October 2024		<ol style="list-style-type: none"> <li>1. Local Code of Corporate Governance</li> <li>2. Internal Audit Progress Report 2024/25</li> <li>3. Draft Statement of Accounts 2023/24</li> <li>4. External Auditors progress and sector update report</li> <li>5. Regulation of Investigatory Powers (RIPA) Act regular monitoring of use of powers</li> <li>6. Quarterly Report on Procurement Exemptions</li> </ol>

