



Audit and Standards Advisory Committee

Wednesday 20 March 2019 at 6.00 pm

Boardrooms 7 & 8 - Brent Civic Centre, Engineers Way, Wembley HA9 0FJ

Membership:

Members

David Ewart (Chair)

Councillors:

A Choudry (Vice-Chair)
Donnelly-Jackson
Kansagra
Naheerathan
Nerva

Substitute Members

Councillors:

Kabir, Lo, Long and Stephens

Councillors:

Colwill and Maurice

Independent Members

Margaret Bruce
Robert Cawley
Sheila Darr
Karen McArthur

Independent Advisor

Vacancy

For further information contact: Kunwar Khan, Governance Officer, Tel: 020 8937 2037; Email: kunwar.khan@brent.gov.uk

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www.brent.gov.uk/committees

The press and public are welcome to attend this meeting

Notes for Members - Declarations of Interest:

If a Member is aware they have a Disclosable Pecuniary Interest* in an item of business, they must declare its existence and nature at the start of the meeting or when it becomes apparent and must leave the room without participating in discussion of the item.

If a Member is aware they have a Personal Interest** in an item of business, they must declare its existence and nature at the start of the meeting or when it becomes apparent.

If the Personal Interest is also significant enough to affect your judgement of a public interest and either it affects a financial position or relates to a regulatory matter then after disclosing the interest to the meeting the Member must leave the room without participating in discussion of the item, except that they may first make representations, answer questions or give evidence relating to the matter, provided that the public are allowed to attend the meeting for those purposes.

***Disclosable Pecuniary Interests:**

- (a) **Employment, etc.** - Any employment, office, trade, profession or vocation carried on for profit gain.
- (b) **Sponsorship** - Any payment or other financial benefit in respect of expenses in carrying out duties as a member, or of election; including from a trade union.
- (c) **Contracts** - Any current contract for goods, services or works, between the Councillors or their partner (or a body in which one has a beneficial interest) and the council.
- (d) **Land** - Any beneficial interest in land which is within the council's area.
- (e) **Licences**- Any licence to occupy land in the council's area for a month or longer.
- (f) **Corporate tenancies** - Any tenancy between the council and a body in which the Councillor or their partner have a beneficial interest.
- (g) **Securities** - Any beneficial interest in securities of a body which has a place of business or land in the council's area, if the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body or of any one class of its issued share capital.

****Personal Interests:**

The business relates to or affects:

- (a) Anybody of which you are a member or in a position of general control or management, and:
 - to which you are appointed by the council;
 - which exercises functions of a public nature;
 - which is directed is to charitable purposes;
 - whose principal purposes include the influence of public opinion or policy (including a political party or trade union).
- (b) The interests of a person from whom you have received gifts or hospitality of at least £50 as a member in the municipal year;

Or

A decision in relation to that business might reasonably be regarded as affecting the well-being or financial position of:

- You yourself;
- A member of your family or your friend or any person with whom you have a close association or any person or body who is the subject of a registrable personal interest.

Agenda

Introductions, if appropriate.

Item **Page**

1 Apologies for absence and clarification of alternate members

2 Declarations of Interest

Members are invited to declare at this stage of the meeting, the nature and existence of any relevant disclosable pecuniary or personal interests in the items on this agenda and to specify the item(s) to which they relate.

3 Deputations (if any)

To hear any deputations received from members of the public in accordance with Standing Order 67.

4 Minutes of previous meetings 1 - 16

4.1 To approve the minutes of the Audit and Standards Advisory Committee meeting held on 5 February 2019 as a correct record.

4.2 To approve the minutes of the Audit and Standards Committee meeting held on 11 December 2018 as a correct record.

5 Matters arising (if any)

To consider any matters arising from the minutes of the previous meeting.

Standards Items

6 Annual Review of the Member Development Programme and Members' Expenses 17 - 124

The purpose of this report is to provide members of the Audit and Standards Advisory Committee with a summary of the Member Development Programme since last reported to Committee, and to provide information regarding the Members' Expenses Scheme.

Ward Affected:
All Wards

Contact Officer: Thomas Cattermole, Head of Executive and Member Services, 020 8937 5446, Thomas.Cattermole@brent.gov.uk

7 Annual Standards Report (including quarterly update on Gifts & Hospitality) 125 - 144

This is the Monitoring Officer's Annual Report to the Audit and Standards Advisory Committee for 2018. It provides an update on Member conduct issues, work of the Audit and Standards Advisory Committee, the Audit and Standards Committee and the Monitoring Officer during 2018 as well as the quarterly update on Gifts and Hospitality.

Ward Affected: All Wards
Contact Officer: Debra Norman, Director of Legal & HR, 020 8937 1578, Debra.Norman@brent.gov.uk

Audit Items

8 Draft Internal Audit and Investigations Annual Plan 2019/20 145 - 156

This report sets out the draft Internal Plan for 2019/20 and the basis on which the plan has been prepared. In accordance with the terms of reference for the Committee and in accordance with Standard 2000 – Managing the Internal Audit Activity as outlined within the Public Sector Internal Audit Standards, the Audit and Standards Advisory Committee is asked to review and approve the 2019/20 Internal audit plan.

Ward Affected: All Wards
Contact Officer: Michael Bradley, Head of Internal Audit, 020 8937 6526, Michael.Bradley@brent.gov.uk

9 Annual Report & Certification of Grants and Returns 2017/18 157 - 166

This report summarises the results of work carried out by KPMG on the Authority's 2017/18 grant claims and returns.

Ward Affected: All Wards
Contact Officer: Stephen Lucas, Senior Manager, KPMG LLP, 020 7311 2184, Stephan.Lucas@kpmg.co.uk

10 Review of the Use of the Regulation of Investigatory Powers Act (RIPA) Powers in 2018 167 - 204

The report explains the Council's use and conduct of covert surveillance techniques when investigating serious criminal offences relying on the powers made available to local authorities in Part II of the Regulation of Investigatory Powers Act 2000 (RIPA).

Ward Affected: All Wards
Contact Officer: Debra Norman, Director of Legal & HR Services, 020 8937 1578,

11 Corporate Risk Register Update 205 - 218

This report provides an updated Corporate Risk Register following a review of the effectiveness of the Risk Management approach and a series of workshops with departmental management teams. In accordance with the terms of reference for the Audit and Standards Advisory Committee, the report is presented to 'enable the Committee to monitor the effective development and operation of risk management and corporate governance in the Council.'

Ward Affected: All Wards
Contact Officer: Michael Bradley, Head of Internal Audit, 020 8937 6526,
Michael.Bradley@brent.gov.uk

12 London Counter Fraud Hub 219 - 228

This report provide a briefing to the Audit and Standards Advisory Committee on the "London Counter Fraud Hub" and asks members to note that, subject to comments made, the Council is considering entry into the contract as a Participating Authority and award of a contract to the provider of the Hub, which would be by way of the an individual Cabinet Member decision.

Ward Affected: All Wards
Contact Officer: Conrad Hall, Chief Finance Officer
020 8937 6528, Conrad.Hall@brent.gov.uk

13 Internal Audit External Quality Assessment update 229 - 236

This report provides an update on the external assessment of internal audit conducted during October 2018 in accordance with Standard 1312 of the UK Public Sector Internal Audit Standards (PSIAS).

Ward Affected: All Wards
Contact Officer: Michael Bradley, Head of Internal Audit, 020 8937 6526,
Michael.Bradley@brent.gov.uk

14 Update on Financial and Procedural Rules Governing the Mayor's Charity Appeal 237 - 245

The purpose of this report is to update the Audit and Standards Advisory Committee on the recommended changes to be made to the financial and procedural rules for governing the Mayor's Charity Appeal, prior to approval of the proposed changes by the Audit and Standards

Committee.

Ward Affected: All Wards
Contact Officer: Debra Norman, Director of Legal & HR, 020 8937 1578, Debra.Norman@brent.gov.uk

15 Forward Plan and Agenda for the next meeting

245 - 246

To note the Committee's Forward Plan up to April 2020 and agree a draft agenda for the next meeting, which would be reviewed and finalised by the Chief Finance Officer, the Head of Audit and the Chair of the Committee one month after the date of the current meeting.

16 Any other urgent business

Notice of items to be raised under this heading must be given in writing to the Head of Executive and Member Services or his representative before the meeting in accordance with Standing Order 60.

Date of the next meeting: Wednesday 24 April 2019



- Please remember to **SWITCH OFF** your mobile phone during the meeting.
- The meeting room is accessible by lift and seats will be provided for members of the public.



MINUTES OF THE AUDIT AND STANDARDS ADVISORY COMMITTEE Tuesday 5 February 2019 at 6.00 pm

PRESENT: Mr Ewart (Chair), Councillors Colwill, Donnelly-Jackson, Naheerathan, Nerva and Stephens, and Independent Members Margaret Bruce and Karen McArthur

Everyone introduced themselves as this was the first meeting attended by Councillor Stephens.

1. **Apologies for absence and clarification of alternate members**

The following apologies for absence were received:

- Councillor A Choudry (with Councillor Stephens present as a substitute)
- Councillor Kansagra (with Councillor Colwill present as a substitute)
- Robert Cawley (Independent Member)
- Sheila Darr (Independent Member)
- Nigel Shock (Independent Person)
- Keir Hopley (Independent Person)
- Althea Loderick (Strategic Director of Resources, Brent Council)
- Paul Dossett (Partner, Grant Thornton – External Audit) - Sophia Brown (Senior Manager) and Danielle Swain (Audit Executive) were present in his place.

2. **Declarations of Interest**

In relation to Agenda items 10 and 11, Peter Gadsdon declared that he was both a Director of i4B Holdings Ltd and First Wave Housing Ltd and the Council's Director of Performance, Policy and Partnerships.

3. **Deputations (if any)**

There were no deputations.

4. **Minutes of the previous meeting**

It was **RESOLVED** that the minutes of the previous meeting, held on 11 December 2018, be approved as an accurate record.

5. **Matters arising (if any)**

Report on i4B Holdings Ltd and First Wave Housing Ltd *(Item 5 of the minutes of the minutes of the previous meeting)*

It was noted that an update on the operation of the Council's wholly owned companies – i4B Holdings Ltd and First Wave Housing Ltd, would be provided at the present meeting.

Independent Advisor to the Committee

Please see Minute item 19.

Risk Management Framework Review

(Item 5 of the minutes of the minutes of the previous meeting)

It was noted that an update on the Risk Management Framework Review would be provided at the meeting of the Committee on 20 March 2019.

Lender Option Borrower Option Loans

Please see Minute item 19.

Councillor Naheerathan joined the meeting at 6:04 pm.

6. Emergency Preparedness Update

Carolyn Downs (the Council's Chief Executive) introduced the report which briefly outlined the progress made since the previous update to the Committee in July 2018. Ms Downs noted that the paper had been presented sooner than July 2019 in order to bring it in line with the London-wide assurance and challenge process that had been instigated. Brent had submitted a self-assessment (available at Appendix A (pages 17-23 of the Agenda pack)) which had been moderated at a sub-regional level. Members heard that common themes where improvement was desirable across all Local Authorities had been identified and a local action plan to address these would be created with relevant guidance and support from London Resilience. These included – humanitarian response; community engagement and management; media and communications management; and governance.

Ms Downs said that a specific area of work in the last couple of months had been Brexit and the prospect of leaving the European Union (EU) without a deal. Local Authorities across London had been in the process of developing a risk assessment for such a scenario. Some of the areas of greatest concern had been related to caring for vulnerable residents and waste management and disposal. It was noted that any additional risks associated with Brexit would be included in the Council's Risk Register.

The Committee welcomed the report and enquired about the amount of time and resources officers had spent working on Brexit-related issues; the possibility of reimbursing extra costs from Her Majesty's Government; local initiatives to ensure continuity of support for care and medical packages; and keeping Members informed about new developments. Ms Downs responded that the time spent on Brexit had not been excessive, e.g. the Council had been able to cope using its existing resources. Nevertheless, the Government had written to all Local Authorities to notify them of additional funding allocated to them and Brent's share was £210,000. The Ministry of Housing, Communities and Local Government had asked councils to provide advice to EU residents about the settlement scheme that had been established and Brent had already held a 'Time to Talk' event dedicated to Brexit. Peter Gadsdon (the Council's Director of Performance, Policy and Partnerships) said that another 'Time to Talk', focused on the consequences of the United Kingdom leaving the EU, had been planned to take place in early April 2019. It was noted that a dedicated seminar for Elected Members would be organised once more information about Brexit became available. As far as care and medical packages were concerned, Mr Gadsdon said that he would start convening weekly meetings with officers from the Children and Young People Department and the

Community and Wellbeing Department as well as external partners to discuss specific implications for the health and social care sector.

Daryl Jooste (the Council's Civil Contingencies Manager) acknowledged that community engagement and management had been identified as an area for improvement in the recent self-assessment undertaken by Brent Council. Ms Downs reminded members that during last year's cold weather emergency shelters had been operated at a community organisation and at a church in the Borough. As some of the lessons learned had identified issues related to staff safeguarding, it had been decided to commission additional beds with St. Mungo's on future occasions. Mr Jooste added that he had engaged two resident associations which had been offered a basic emergency preparedness training package. Once feedback had become available, the offer would be expanded by delivering awareness sessions in the community.

Mr Jooste informed the Committee that he had been drafting a Donations Management Protocol, which would prescribe how people could offer their skills, time and labour to support incident response, along financial aid being set out as a preferred method of donation as allowed greater flexibility.

Michael Bradley (the Council's Head of Audit and Investigations) pointed out that an audit on Emergency Planning had started and preliminary results would be available in the following couple of weeks.

RESOLVED that:

- (i) The contents of the Emergency Preparedness Update report, be noted;
- (ii) The Council's Risk Register be updated to include any Emergency Planning risks associated with Brexit;
- (iii) A dedicated seminar on Brexit for Elected Members be organised; and
- (iv) The Committee's appreciation for the work of officers be formally recorded;

7. External Audit Plan

Sophia Brown (Senior Manager, Grant Thornton - External Audit) introduced the paper which provided an overview of the planned scope and timing of the statutory audit of Brent Council for those charged with governance. She directed Members' attention to the key matters impacting Grant Thornton's audit approach of the Authority (page 29 of the Agenda pack), among which included the wider economy and political uncertainty; the adoption of IFRS 9 (Financial Instruments) and IFRS 15 (Revenue from Contracts with Customers); and the implications of Brexit. Ms Brown noted that Grant Thornton had identified significant risks related to the revenue cycle including fraudulent transactions (rebutted); management override of Authority controls; valuation of land and buildings; and valuation of the Pension Fund liability.

Danielle Swain (Audit Executive, Grant Thornton – External Audit) reported on the audit plan of the Pension Fund. She said that Brexit could have a significant impact on the funding and investment strategies of pension schemes, and defined benefit

schemes were likely to face a number of regulatory issues and uncertainties. Therefore, the Pension Fund would need to manage potential risks by developing contingencies for different outcomes. The significant risk identified for the Pension Fund was incorrect valuation of Level 3 investments. Ms Swain explained that Level 3 investments were difficult to value and the process involved a significant degree of estimation as no comparative investments existed.

Members heard that Grant Thornton had determined financial statement materiality to be based on 1.85% (previous year figure – 1.06%) of the Authority's gross expenditure of the group and the Authority for the financial year and had considered ownership structures, controls and business environment. Therefore, materiality at the audit planning stage had been set to £20 million (previous year's figure - £12 million) for the group and the Authority and £8 million (previous year's figure - £12 million) for the Pension Fund which equated to 1% of the previous' year net assets for the Pension Fund. The trivial levels¹ had been set to £1 million and £400,000 for the group and the Authority and the Pension Fund respectively and any discrepancies exceeding the trivial level would be reported to the Audit and Standards Advisory Committee.

The Committee questioned why materiality levels had been changed and Ms Brown responded that each audit firm used its own methodology to determine materiality. The current levels had been set up taking into consideration ownership structures, controls and the business environment, and reviewing the level of errors from the prior year audit of the financial statements. In response to a Member's question whether materiality could be set at 1%, Conrad Hall (the Council's Chief Finance Officer) emphasised that while it was in the Committee's power to request materiality to be at 1%, but this was likely to increase the audit fee (currently - £153,684; previous year's figure - £199,590) and, therefore, such a suggestion should be carefully considered prior to making a formal decision.

Members enquired how much of the information presented in the External Audit Plan had been specific to Brent. Ms Brown said that a significant proportion of the report mirrored reports presented to other local authorities audited by Grant Thornton. However, information related to value for money and materiality had been tailored to the profile of individual councils – for example, local authorities with low levels of reserves were likely to have lower materiality. This led to questions about the way the level of materiality at Brent compared to other local authorities and the impact of Brexit on other councils. Ms Brown said that Brent's materiality would not be similar to the ones of other local authorities as each council would have been impacted by different events in the previous year. It was pointed out that Brent had taken more actions, such as organising a 'Time to Talk' event and presenting a paper to Full Council, to prepare for Brexit in comparison to other councils.

RESOLVED that the contents of the External Audit Plan be noted.

8. **Accounting Policies**

Benjamin Ainsworth (Head of Finance, Brent Council) introduced the report and reminded Members that the Council was required to adopt accounting policies each year to set out how the Statement of Accounts would be produced. The Accounting

¹ The International Standard on Auditing (ISA) 260 defines as 'clearly trivial' matters that are clearly inconsequential, whether taken individually or in aggregate and whether judged by any quantitative or qualitative criteria.

Policies presented in Appendix A (page 47 of the Agenda pack) had been based on the previous year's ones with some minor changes to cover new accounting standards, clarify terminology and to align the policies with the latest version of the Code of Practice and underlying financial standards. Mr Ainsworth informed members that the accounting policies could be changed only in specific circumstances which had been outlined in paragraph 3.3 of the report (page 44 of the Agenda pack).

Members welcomed the report and enquired whether potential clawback of grants had been considered. Mr Ainsworth explained that a key element of Brent Council's approach to the Policies had been that the Council applied the Code of Practice issued by the Chartered Institute of Public Finance Accountants (CIPFA). He said that clawback of grants had been a very rare occasion. Conrad Hall (the Council's Chief Finance Officer) added that section 2.4 of the Statement of Accounting Policies (page 48 of the Agenda pack) set out the Council's approach to revenue grants and the Local Authority had reasonable assurance that it would comply with the conditions attached to grants so there would be any repayments.

RESOLVED that:

- (i) The contents of the Accounting Policies report, be noted; and
- (ii) The Accounting Policies set out in Appendix A be approved.

9. **2019/20 Treasury Management Strategy**

Daniel Omisore (Head of Finance, Brent Council) introduced the report which set out the draft Treasury Management Strategy for 2019/20. He informed Members that the final version, incorporating the views of the Committee, would be included in the budget report presented at the Full Council meeting on 25 February 2019.

In relation to the external context, it was noted that the United Kingdom's (UK) progress negotiating its exit from the European Union (EU), together with its future trading arrangements, would continue to be a major influence on the Council's Treasury Management Strategy for 2019/20. In addition, the big four UK banking groups had divided their retail and investment banking divisions into separate legal entities under ring-fencing legislation and European banks had been considering their approach to Brexit (for details please see paragraphs 9 and 11 of the report respectively (page 64 of the Agenda pack)).

As at 31 December 2018, the Council had held £397 million of borrowing and £114 million of investments, with future estimated borrowing requirements set out in Table 1. Mr Omisore noted that there had not been any breaches of the Treasury Management Strategy or Prudential Indicators since it had been agreed by Council last year. In the past 12 months, the Local Authority's investment balance had ranged between £190 and £89 million. However, it was forecast to decline as the Councils began the implementation of its updated capital programme.

Members enquired about the repayment of one of the Council's Lender Option Borrower Option loans (LOBOs), the impact of a potential collapse of property prices on the Council's stock and the impact of Brexit on the cost of borrowing. Mr Omisore said that the Council had managed to secure a favourable deal with a lender which had saved the Local Authority money and had contributed to lowering its debt position.

Although the existing Investment Strategy had provisions for purchasing shares in companies that invested mainly in real estate, this option had not yet been taken up. However, this is constantly monitored and should circumstances change, officers would consider this, depending on a number of factors and after undertaking appropriate due diligence prior to making a decision. This also applied to any investments with Registered Providers which would be individually assessed and discussed with Arlingclose, the Council's advisors, prior to investing. A significant proportion of the Council's investments constituted short-term lending to local authorities which was in line with the Council's 2018/19 Investment Strategy. This had been seen as a secure form of investment which provided benefits for both sides. Moreover, Arlingclose provided real time updates and ratings on all categories of investments which were constantly monitored and reviewed. As far as the implications of Brexit on the cost of borrowing were considered, Conrad Hall (the Council's Chief Finance Officer) said that the Local Authority was taking advice from Arlingclose, as of course it was not possible to predict with certainty future changes to interest rates. In his view, given the likely short-term macro-economic impact of a "no deal" Brexit, the most probable fiscal response from central banks and government would be to reduce interest rates in order to stimulate investment.

In response to a question about drawing down on surplus funds, Mr Omisore explained that officers routinely modelled the Council's balance sheet to predict the levels and likely usage of reserves. It was noted that such an exercise had been presented alongside the Borrowing Strategy Report to Cabinet in September 2018. Mr Omisore emphasised that if the Capital Programme was to be delivered as planned, the Council could have a borrowing requirement within the next 12-24 months.

The Chair summarised the contents of the discussion, highlighting the Committee's concerns in relation to changes in the property market and the impact of Brexit on interest rates

RESOLVED that:

- (i) The contents of the 2019/20 Treasury Management Strategy report, be noted;
- (ii) An update on treasury management activity be presented to the Committee in six months' time;

10. **Report on i4B Holdings Ltd**

Peter Gadsdon (Director, i4B Holdings Ltd) introduced the report which provided an update on i4B Holdings Ltd (i4B) recent performance, proposed 2019/20 Business Plan, audit arrangements and risk register. He highlighted that the same Directors sat on the Board of the Council's other wholly owned company – First Wave Housing Ltd (FWH). Two of them were Council Officers (Gail Tolley, Strategic Director of Children and Young People and Peter Gadsdon, Director of Performance, Policy and Partnerships), one was a backbench Elected Member (Councillor George Crane) and two were independent. The main purpose of the Company had been to assist the Council reduce homelessness by providing affordable, good quality homes, while delivering regeneration and financial benefits to the Council.

Business Plan

The Committee heard that the version of the 2019/20 i4B Business Plan that had been included in Appendix 1 to the report (page 89 of the Agenda pack) was identical to the one that would be presented to Cabinet for approval on 11 February 2019. It contained a five-year forecast for the operation of the Company, including a risk analysis and a financial analysis in the context of changing market conditions and Brexit. Mr Gadsdon reported that the acquisition of properties had not been at the pace originally envisaged and the main reason for this was related to the changing market conditions. Nevertheless, the Company had been able to purchase a greater share of in-Borough properties at lower prices than predicted, but the property supply was decreasing. The majority of units were flats and a large proportion of properties were leasehold which meant that additional costs, such as ground rent and service charges, had been added to the Business Plan.²

The Board had held discussions with the shareholder about potential ways in which the Company could contribute to meeting housing targets in the Borough. It had been proposed to divert a proportion of the money to buy new build homes on Council ground. Conrad Hall (the Council's Chief Finance Officer) said that building Council housing had become more feasible after the Housing Revenue Account cap had been removed and changes in the Right to Buy legislation had been made. Furthermore, increasing the share of properties in Brent and the surrounding areas had been considered as it had been difficult to place residents outside of the Borough. It had been envisaged that the current demand for out-of-Borough accommodation could be met by acquiring 10 properties in addition to the 70 that had already been purchased. The total number of units to be acquired would not be changed and that it would not be necessary to amend the financial requirements of the programme over the 30-year period.

As the Business Plan proposed using a portion of agreed funding for intermediate rented accommodation to support the purchase of one block of 153 units for the provision of key worker accommodation at 60%-80% market rent, i4B would work with the Council's housing supply and partnerships team to develop this opportunity.

Members asked questions about the share of mobility-friendly homes in i4B's portfolio and about the way the Company worked with the Council's housing and social care services. Mr Gadsdon said approximately 10% of i4B properties would have level access and walk-in showers – they would meet the standard that had been agreed with the Council and adaptations would be agreed with the Housing Needs Service to ensure that they matched the specific needs of customers. This was part of the Company's wider engagement with housing and social care services aimed at identifying suitable residents for the types of property acquired by i4B. Mr Gadsdon reminded the Committee that the Company had a net yield target of 1.1% which had to be achieved across the portfolio so investments in adapting units put pressure on the Business Plan.

Operation

Mr Gadsdon pointed out that, as of January 2019, 168 families, including 411 children, had been directed to i4B. Responding to a Member's comment that the number of families re-housed from Women's Refuge had been low (2), he said that there could be other pathways to allocate residents in i4B properties – for example, sometimes vulnerable women might need to be placed in other boroughs so Brent could have arrangements with other local authorities in relation to this matter.

² It was noted that the conveyancing of leasehold properties was likely to be more complex.

As far as actions taken to promote properties in the Home Counties were concerned, Mr Gadson said that a campaign, aimed at homeless families who had been on the housing register prior to 2012, had been run, but take up had been low. The Board recognised the risk that families who had been added to the register after 2012 could make themselves intentionally homeless should they decide not to accept an offer for accommodation. In fact, there had been 35 cases of discharge of duty based on refused offers. In response to various questions about allocations, Mr Gadson stressed that the Company managed properties and did not place people in accommodation directly. However, he advised Members that he would pass their enquiries to the Housing Options Team.

It was noted that there were approximately 2,400 families living in temporary accommodation and i4B was only one of the means available to the Council to relieve homelessness. Conrad Hall (the Council's Chief Finance Officer) commented that if no new families were added to the housing register, by the time the project was completed, i4B would have housed ¼ of the current waiting list.

Performance

Delivery on the Key Performance Indicators (KPIs) related to conveyancing and refurbishment had improved significantly over the last year, with the last 50 properties acquired hitting both targets. Refurbishment turnaround time had been satisfactory, there were no delays in letting units in Brent, the issues with the four-bedroom properties located in the Home Counties had been solved and 100% of properties have valid gas safety certificates. The overall number of voids since the Company had begun operating was six, all of them located outside the Borough. The Board was confident that all three housing management providers (Brent Housing Management, Pinnacle Group Housing and Mears Group) were performing well and re-tendering of the contract for services in the Home Counties with the aim to improve performance had been considered at the last Board Meeting on 24 January 2019.

Members asked why management and maintenance fees had been predicted to increase sharply to £2.1 million in 2023/24 and Mr Hall advised the Committee that this question would be forwarded and a response provided by the next meeting.

Rent collection rates had been increasing on a monthly basis in the last year and the Board expected the target of 98.5% to be achieved in the next six months. However, there had been issues with tenants who received Housing Benefit (HB) as there was a gap between them being allocated the property and starting to receive HB. In addition, there were cases in which families had been entitled to less than they had expected which could lead to rent arrears.

Referring to lessons learned, Mr Gadson said that operating the Company had been more challenging than expected, especially in relation to the level of detail entailed in developing policies. Mr Hall added that the findings of the internal audit on Private Rented Sector Model Review had been reassuring, especially when the complexity of the arrangements for the Company was taken into account (for details, please see Appendix 3 (page 139 of the Agenda pack). Most of the findings had been around technical points of design and best practice, and also general understanding of areas of methodology. There had been two high level findings related to methodology (the way in which experience analysis was used to calculate average property prices and rental values and the use of house price inflation (HPI) as well as the assumptions used for both HPI and rental growth) and officers would

be working to implement recommendations at the start of the 2019/20 financial year.

RESOLVED that:

- (i) The contents of the Report on i4B Holdings Ltd, be noted;
- (ii) The plans set out in the Company's draft 2019/20 Business Plan be noted;
- (iii) The summary of the financial and non-financial benefits of i4B's operations; be noted;
- (iv) The update to the i4B risk register be noted; and
- (v) The update on recent i4B audits, and progress towards implementing previous audit recommendations be noted.

11. **Report on First Wave Housing Limited**

Peter Gadsdon (Director, First Wave Housing Ltd) introduced the report which provided an update on First Wave Housing Ltd (FWH) recent performance, proposed 2019/20 Business Plan, audit arrangements and risk register. He pointed out that the Company had been more mature than the Council's other wholly owned venture – i4B Holdings Ltd (i4B) and provided a background to its operation. Members heard that FWH owned 329 residential properties and two commercial premises (for more details on the rent levels and the products offered by the Company, please see Table 1 on page 187 of the Agenda pack). In terms of types of units, approximately 1/3 of FWH portfolio consisted of Brent-owned blocks (Right to Buy bought back-s); 1/3 were other leasehold properties and 1/3 were had been situated in two large blocks in South Kilburn that had been acquired as new builds.

Mr Gadsdon said that a major concern for the Board had been the condition of the stock which had deteriorated due to the lack of investment in the last 10 years. Therefore, a substantial amount of refurbishment work would have to be carried out in order to bring it to the required standards. There were an average of six repairs per property in the last 18 months which was considered high for the industry, while customer satisfaction had been as low as 51%. Nevertheless, the Company was in a strong financial position as rent collection had been good and the value of the properties it owned had increase since they had been purchased.

The Committee welcomed the report and enquired whether there were any differences between i4B and FWH in relation to occupancy and voids. Mr Gadsdon responded that rent collection rates for FWH were monitored on a monthly basis at Board Meetings and had remained consistent at around 100%. Turnover was very low and there were no void properties. Therefore, the Board drew confidence from FWH that i4B would perform well once the programme had been fully developed.

Members referred to the fact that the report commented that the shareholder was undertaking an analysis of the benefits of aligning the two companies. Conrad Hall (the Council's Chief Finance Officer) explained that under the present arrangements FWH was a registered provider which meant that it could bid for grants from the government to build properties. He highlighted that while it was important to retain the registered provider status, it had to be taken into account

that having different types of companies performing various functions could make governance arrangements complicated.

RESOLVED that:

- (i) The contents of the Report on First Wave Housing Ltd, be noted;
- (ii) The plans set out in the Company's draft 2019/20 Business Plan be noted;
- (iii) The update on recent FWH audit activity, and progress towards implementing previous audit recommendations be noted; and
- (iv) The update to the FWH risk register be noted.

12. **Annual Review of the Internal Audit Charter**

Michael Bradley (the Council's Head of Internal Audit and Investigations) introduced the report and said that a new Internal Audit Charter (Appendix 1 on page 225 of the Agenda pack) had been produced in accordance with the Public Sector Internal Audit Standards. It provided a detailed outline of the role of Internal Audit and how the Strategy and Plan would be delivered whilst ensuring compliance with the standards.

It was noted that reviewing the Charter by the Audit and Standards Advisory Committee on an annual basis was considered good practice. The Chair added that there were regular meetings between himself, the Vice-Chair and Mr Bradley, while members of the Internal Audit Team had direct access to the Chief Finance Officer.

RESOLVED that:

- (i) The contents of the Annual Review of the Internal Audit Charter report, be noted; and
- (ii) The Internal Audit Charter be approved in accordance with the requirements of the Public Sector Internal Audit Standards.

13. **Internal Audit Progress Report for the period September 2018 to January 2019**

Michael Bradley (the Council's Head of Internal Audit and Investigations) introduced the report which provided an update against the Annual Audit Plan for the period 1 September 2018 to 31 January 2019. He highlighted that a further seven schools³ had been engaged and the proportion of recommendations that had been implemented was high. However, there was a low return rate of questionnaires issued at the end of each audit asking auditees to provide feedback on a number of areas including usefulness of the audit, quality of the report and usefulness of any recommendations made. Nevertheless, the Internal Audit Team would continue to encourage clients to provide feedback on the service.

Mr Bradley referred to Appendix B (page 274 of the Agenda pack) which contained information about follow up reviews of Audits that had been completed. He emphasised that although the assurance rating of the Payroll audit remained 'Limited' significant progress had been made towards resolving the issues that had

³ It was noted that the Internal Audit Team did not audit academies which had separate audit arrangements.

been identified. Furthermore, the number of not implemented management actions in relation to the Direct Payments audit was zero and not seven. In response to a Member's question about the South Kilburn Regeneration audit, Mr Bradley said that it had been focused on project assurance and its rating had initially been 'Limited' as there were issues with some of the components of effective project management.

Members directed their attention to the Internal Audit Planning process for the next financial year (paragraphs 3.17-3.26 on pages 240-242 of the Agenda pack) and Mr Bradley pointed out that resources had been concentrated on areas of high risk. Conrad Hall (the Council's Chief Finance Officer) said that a draft Internal Audit Plan would be presented at the meeting in March 2019 to allow the Committee to comment on it. He encouraged Members to raise any specific concerns with himself, Mr Bradley or Colin Garland (the Council's Audit Manager) so these could be reflected in the Plan.

The Committee welcomed the report and supported the proposed allocation of resources. The Chair commented that 'Limited' assurance audits showed that the right areas of the Council had been targeted and the work of the Internal Audit Team was adding value to the organisation.

RESOLVED that:

- (i) The contents of the Internal Audit Progress Report for the period September 2018 to January 2019, be noted;
- (ii) The proposed allocation of resources in the Internal Audit Plan 2019/20 be approved;
- (iii) Members raised any specific concerns with Mr Hall, Mr Bradley or Mr Garland (the Council's Audit Manager) so these could be reflected in the Plan.

14. Counter Fraud Quarterly Progress Report 2018-19

Michael Bradley (the Council's Head of Audit and Investigations) introduced the paper which provided an update on the counter fraud work undertaken for the period 1 April to 31 December 2018. He pointed out that 15 properties, with a notional value of £1,395,000, had been recovered in the year to date as a result of fraud or irregularity.

The Counter Fraud Team had led on an organised Freedom Pass fraud investigation involving several Councils in London. 17 fraudulent Brent applications had been uncovered and the main subject of the investigation had in court on 26 June 2018 relating to 21 counts of fraud, counterfeiting and forgery. However, the defendant had pleaded not guilty and the trial was scheduled for March 2019. Moreover, the Team had worked on a notable Blue Badge fraud case which had appeared in national news. The defendant had pleaded guilty and had been fined £660, had to pay costs of £572 and a Victim Surcharge of £66. In response to a question whether the Blue Badge cases that had been investigated had involved third parties using fraudulent Blue Badges in Brent, Mr Bradley said that he would seek additional information from the Team and would share it with Members at the next meeting. He commented that the amount of money defendants had been sentenced to pay had been low in comparison to the cost of prosecuting cases. A Member of the Committee suggested that the matter could be referred to the

attention of the Local Government Association (LGA) via the Lead Member for Regeneration, Highways and Planning.

Conrad Hall (the Council's Chief Finance Officer) supported such an approach as he considered it to be an effective way of addressing the issue as prosecuting Blue Badge fraudsters often cost the Local Authority more than it could be recovered, especially when the social cost of the fraud and the loss of revenue from parking were taken into account.

RESOLVED that:

- (i) The contents of the Counter Fraud Quarterly Progress Report 2018-19, be noted;
- (ii) The issue that the amount of money defendants had been sentenced to pay had been low in comparison to the cost of prosecuting cases of Blue Badge fraud be brought to the attention of the LGA via the Lead Member for Regeneration, Highways and Planning; and
- (iii) The Committee's appreciation for the work of the Counter Fraud Team be placed on record.

15. **Audit and Standards Advisory Committee - Self Assessment options**

Michael Bradley (the Council's Head of Audit and Investigations) introduced the report which outlined potential options for the conduct of an assessment of the performance of the Audit and Standards Advisory Committee. He pointed out that three main approaches had been considered – completing a questionnaire; organising a workshop; and conducting a peer review.

Members welcomed the update and the Chair commented that he would prefer the option that included conducting a peer review, however, he acknowledged that it could be challenging to organise one having in mind the difficulties encountered when Members and officers had expressed interest the Council's internal audit function to be reviewed externally. Members felt that completing a questionnaire might be the most suitable way to conduct the self-assessment as long as senior Council officers, Committee Members, external auditors and key stakeholders had been included in the scope.

In response to potential actions that would be taken to address weaknesses that could be identified as a result of the process, Conrad Hall (the Council's Chief Finance Officer) explained that should the self-assessment highlight specific shortages, training and coaching would be considered. If this approach did not deliver the expected results, conversations with the respective political group leaders would be held to agree a way forward.

Mr Hall informed Members that he would liaise with Mr Bradley to design the questionnaire and would report back to the Committee. The Chair requested results to be treated anonymously so respondents could provide honest feedback about areas that worked well and aspects which required improvement

RESOLVED that:

- (i) The contents of the Audit and Standards Advisory Committee – Self-Assessment options report, be noted;

- (ii) Mr Hall would liaise with Mr Bradley to design the questionnaire in a way that treated results anonymously;
- (iii) The Council's external auditors and Members of the Council Management Team be encouraged to participate in the self-assessment questionnaire;
- (iv) An update on the self-assessment questionnaire be provided at a future meeting of the Committee.

16. **Forward Plan and Agenda for the Next Meeting**

It was noted that officers would try to distribute the workload of the Committee evenly throughout the 2019/20 Municipal Year.

RESOLVED that the contents of the Audit Advisory Committee Forward Plan, be noted.

17. **To agree a date to hold a meeting between the Chair, the Vice-Chair and the Independent Members of the Committee**

This item was deferred to the meeting on 20 March 2019.

18. **Exclusion of Press and Public**

RESOLVED that press and public be excluded from the remaining part of the meeting.

19. **Matters Arising (continued)**

Independent Advisor to the Committee

Conrad Hall (the Council's Chief Finance Officer) informed Members that the recruitment of an Independent Advisor to the Committee was in progress and a panel would be convened to interview the shortlisted candidates. It was noted that there was a possibility that a recommendation for appointment would be made prior to the Committee meeting on 20 March 2019.

Lender Option Borrower Option Loans

Mr Hall explained the nature of Lender Option Borrower Option Loans (LOBOs) and said Brent had taken out its last LOBO more than 10 years ago. He referred to the objections to the Council's accounts that had been received in relation to LOBOs and said that KPMG (the Council's former external auditor) had issued their provisional view and the objector and the Council had been given the opportunity to present further evidence within 20 working days. KPMG would then take into account whether the points that had been raised were substantive and would issue their final view. Once this had happened, the objector could not raise any further points of legality unless they took their objection via appeal to the court system at their expense within 21 days.

An update on this matter would be provided to the Committee once it became available.

20. **Any other urgent business**

None.

The meeting closed at 8.33 pm

DAVID EWART
Chair



LONDON BOROUGH OF BRENT

MINUTES OF THE AUDIT AND STANDARDS COMMITTEE held on Tuesday 11 December 2018 at 7.05 pm

PRESENT: Councillors A Choudry (Chair), Donnelly-Jackson, Naheerathan and Nerva

ALSO PRESENT: Councillor S Choudhary

Absent: Councillor Kansagra

1. Apologies for Absence and Substitutions

It was noted that apologies for absence had been received from Carolyn Downs (the Council's Chief Executive) and Althea Loderick (the Council's Strategic Director of Resources).

2. Declarations of Personal and Prejudicial Interests

None.

2. Deputations

There were no deputations received.

3. Planning Code of Practice Review Update report

Following the resolution (ii) of Minute item 7 of the Audit and Standards Advisory Committee meeting on 11 December 2018, the Audit and Standards Committee unanimously decided to accept the recommendation and approve the proposed changes to the Planning Code of Practice.

It was **RESOLVED** that:

- (i) The contents of the Planning Code of Practice Review Update report, be noted;
- (ii) The proposed changes to the Planning Code of Practice be approved;
- (iii) The changes to the Planning Code of Practice be implemented by the Monitoring Officer in accordance with her delegated powers.

The meeting closed at 7:06 pm.

COUNCILLOR ASLAM CHOUDRY
Chair

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	<p align="center">Audit and Standards Advisory Committee 20 March 2019</p>
	<p align="center">Report from the Director, Performance Policy & Partnerships</p>
<p>Annual Review of the Member Development Programme and Members' Expenses</p>	

Wards Affected:	All
Key or Non-Key Decision:	N/A
Open or Part/Fully Exempt: <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
No. of Appendices:	Six: Appendix 1 - List of sessions 2018/2019 Appendix 2 - Attendance at internal training events Appendix 3 - Attendance at external training events Appendix 4 - Member Needs Analysis report Appendix 5 - LB Brent Charter Plus report Appendix 6 - Member Expenses, 2017-2018
Background Papers:	N/A
Contact Officer(s): <small>(Name, Title, Contact Details)</small>	Thomas Cattermole, Head of Executive and Member Services 020 8937 5446 Email: thomas.cattermore@brent.gov.uk Michelle Sylva, Member Support Officer, 020 8937 5447 Email: Michelle.Sylva@brent.gov.uk

1.0 Purpose of the Report

- 1.1 The purpose of this report is to provide members of the Audit and Standards Advisory Committee with a summary of the Member Development Programme since last reported to Committee, and to provide information regarding the Members' Expenses Scheme.
- 1.2 This report provides information about the member learning and development sessions delivered since May 2018, and provides, for information, an overview of upcoming member learning and development sessions.

2.0 Recommendation(s)

2.1 That the Committee notes the work being undertaken by the Member Learning and Development Steering Group in ensuring effective training and development for Brent's elected representatives that responds both to the Council's corporate priorities and councillors' individual training needs.

3.0 Detail

3.1 The Member Development Programme was last reviewed by Members of the Standards Committee on 29 June 2017 and by the Audit Advisory Committee on 20 September 2017. That review covered the period May 2016 to July 2017.

3.2 In addition to the annual review by members of the Standards and Audit Advisory Committee, the member learning and development programme is monitored quarterly by the cross party Member Learning and Development Steering Group.

3.3 The Member Learning and Development Steering Group provides invaluable Member and Chief Officer input into the future programme. The scope of that Group is to consider the type of training provided and review attendance at each session. The Group also consider any requests and suggestions for training from Members, in particular requests for external training with a cost implication.

3.4 The Member Learning and Development Steering Group has consistently provided constructive input and evaluation ensuring a strong political lead on member development from all political groups which is essential to ensure member ownership of the programme.

3.5 In February 2018, the Corporate Management Team (CMT) reviewed the planned Elected Member Induction Programme to be delivered after the May/June 2018 local elections.

3.6 The Council has organised and delivered thirty learning and development sessions since the May/June 2018 local elections (**see Appendix 1**). Ten of the thirty sessions provided were mandatory. Members who were unable to attend the original mandatory training sessions were required to attend the repeat sessions.

3.7 Member attendance at internal learning and development sessions has varied for each session during the current municipal year. Reminders are issued via text message and email. Since the introduction of the electronic calendar invitations text messaging service, attendance has improved significantly.

3.8 Member learning and development sessions are advertised widely to all members in various ways;

- The weekly Members' Information Bulletin;
- The Members' Portal;
- The weekly update of the Council calendar ;
- Electronic calendar invitations to all Councillors.

3.9 Attendance at training sessions has been encouraging. Sessions have been well attended, in particular by newly elected Councillors. Of the 30 sessions

delivered since May 2018, not including the mandatory sessions, 13 sessions have been attended by 20 members or more.

- 3.10 Importantly, since May 2018, attendance is now published on the Council's website.
- 3.11 The most attended sessions were the 'Elected Member Induction Evening' and the 'Code of conduct and related standards issues'. Encouragingly, the 'Emergency Preparedness: The role of Councillors during civil emergencies', which was not mandatory, was attended by 29 members. This was jointly delivered by the Council's Chief Executive and the Emergency Planning College from the Cabinet office. **Attendance data at each session is attached for information as Appendix 2.**
- 3.12 Understandably, sessions with the lowest attendance tend to be those aimed at specific committee membership.
- 3.13 There does not appear to be any other particular trends relating to subject matter or the timing of the courses which would assist in identifying why some members choose not to attend training sessions.
- 3.14 Since May 2018, Members have attended a number of external events delivered by organisations including the Local Government Association (LGA), London Councils, and the Local Government Information Unit (LGIU).
- 3.15 Programme content has included the London Council's New Councillors' Reception, CfPS Annual Conference, BAME Councillors Development Weekender, Inaugural CIPFA and CFPS Councillors' Conference, CIPFA's Introduction to the Knowledge and Skills of the Audit Committee, and the LGA Leadership Academy.
- 3.16 The Member Learning and Development working group considers all attendance at external sessions. **Attendance data is attached as Appendix 3.**
- 3.17 A mentoring scheme is on offer for Councillors in key positions. Through the LGA, the Council sources mentors with the relevant skills and experience to deliver 1:1 mentoring support to a number of members. Six elected Members have now taken advantage of this opportunity including newly appointed Cabinet Members, Chairs of Committees and the Mayoralty.
- 3.18 Feedback has been crucial to shaping and developing the member development programme. The Council carried out a survey in November 2018 of the Member Learning and Development programme delivered since May 2018.
- 3.19 The purpose of this survey was to get Members' views about the quality of the current training and development programme offer and to identify future needs. A third of Members provided feedback. The questionnaire was confidential. The results have provided an invaluable steer for the future member learning and development programme, with a focus of soft skills, such as public speaking and chairing meetings, IT skills, social media and community leadership skills.

- 3.20 The council has also developed an electronic feedback form to collate Member feedback immediately after each session.
- 3.21 A new Members' portal was launched in May 2018 at the Member induction evening. The portal, designed to be a *One-stop shop* for Members has improved Member access to the information and resources considered to be of most use and relevance. The Portal is a secure website and is in addition to the current online support offered to Members.
- 3.22 A new 'Members' Handbook' was also launched in May 2018. Members can currently access the Handbook from the Council's intranet site or via the new Members' Portal. Member Services is currently developing an updated IOS/digital format for launch in May 2019.

Member Needs Analysis Programme – Personal Development Plan

- 3.23 As in 2014, Brent Council provided all Councillors with the opportunity to undertake a review or refresh of the Member Needs Analysis Development Plan. The approach is based on a structured one to one discussion and the completion of a Member Needs Analysis Development Plan, the purpose being to support each Councillor to identify what information and development they required to effectively continue to fulfil their role as a Brent Councillor.
- 3.24 Members took part in the Personal Development Needs Analysis programme in June/July 2018. The councillors that were interviewed identified areas that needed to be concentrated on through our Member Learning and Development programme which we can base our strategy on.
- 3.25 Individual reports were provided to each Councillor after the individual sessions and a detailed overall report was provided to the Council at the end of the sessions. This reports has helped shape the revised Member Learning and Development Strategy and informs the Member Learning and Development Programme. **The report is attached as Appendix 4.**

Member Development Charter Award – Gold Standard

- 3.26 As Members of the Committee are aware, Brent was first awarded the Charter Plus award for Member Learning and Development in September 2015 – the first London Council –to receive that recognition.
- 3.27 As planned, the Council was re-assessed for Charter Plus in December 2018. The assessors confirmed that Brent Council has achieved and continues to meet the Charter Plus standard of the London Charter for Elected Member Development. The council was awarded Charter Plus status – Gold Standard for three years from 10 December 2018.
- 3.28 The assessment was based on an analysis of a portfolio of evidence submitted in advance by the Council, plus a number of interviews with councillors, officers and partner organisations. The evidence presented in the portfolio was drawn from a wide range of sources and gave an overview of the council's member development activities. The self-assessment was linked to the three Charter criteria, highlighting specific examples of where different elements of the Charter Plus standard are met by the Council. **The report is attached as**

Appendix 5. The assessment team confirmed that the Council continues to have a strong strategic commitment to member development that the Council has responded to the recommendations following the September 2015 assessment and has also moved forward with a comprehensive member development programme.

3.29 The assessment team were 'more than satisfied' that the comprehensive portfolio both met and in many areas, exceeded the Charter Plus criteria. The council will be required to present evidence of continuing progress as part of the direction of travel in eighteen months' time and will be re-assessed in full against the Charter Plus standard in three years.

3.30 The assessment team identified the following key strengths:

- The assessment team was pleased to see that there continued to be very strong political and organisational support for member development;
- Partnership working has moved from the rhetorical to the actual;
- The Member Development Steering Group continues to have a high profile and reflects the current two political groups, group leaders and both experienced and newly elected councillors;
- The 'Be A Councillor' programme was highly successful and involved over 100 attendees and supported the promotion of local democracy as well as encouraging individuals to put themselves forward as prospective councillors;
- The Council has a comprehensive member development programme that consists of high quality external facilitators and a particular focus on community leadership and neighbourhood engagement;
- The Council has positively embraced and taken forward the recommendations highlighted in the Members Needs Analysis Report 2017;
- Members have embraced the opportunity provided through the mentoring programme and many external Member mentors are in place to support Lead Members and Committee Chairs.
- Member development is supported by a sustainable budget and the Member Development Steering Group ensure accountability of the use of the budget;
- There is a strong commitment to a structured approach to cabinet succession planning supported by an effective leadership development strategy;
- The Member Development Strategy and Vision Statement and the development programme compliment and support the key strategic priorities of the organisation and ensure councillors have the skills and knowledge to deliver the priorities

3.31 **The assessors' suggested improvement areas:**

- The Member Development Steering Group to focus on "maintaining momentum" and increasing councillor engagement in member development;
- The Member Development Steering Group to have a more proactive focus on evaluation of member development and identifying the

impact of member development both internally and externally;

- The council should continue to support the strategic approach to leadership development both for Cabinet members and for all councillors as community leaders;
- The Council should further develop the e-learning resources and begin to introduce and look to develop webinars to respond to the different learning styles of councillors;
- The council should consider more effectively differentiating between training and development sessions and more concise member briefings;
- There should be the opportunity to focus development in how to work effectively with and influence external organisations. E.g. Transport for London, Thames Water and Government Departments.

3.32 In response to the assessment, an action plan to address the suggested areas for improvement will be drafted. The action plan will be monitored by the Member Development Steering Group. An interim assessment visit will take place in 18 months.

4.0 Members' expenses

4.1 The Council's Members' Allowance scheme, as detailed in Part 8 of the council's constitution, makes provision for the payment of certain expenses, in accordance with stipulated conditions.

4.2 The Executive Support Team is responsible for administering the Members' Allowance Scheme and therefore oversees the receipt, processing and payment of all appropriate expense claims submitted by members.

4.3 All claims submitted since May 2006 are detailed on the Council's website. All original documentation concerning expense claims is available for inspection upon request.

4.4 Member Expenses for 2017-2018 **are attached at Appendix 6**. In total, £531.53 was claimed. Figures for 2018/19 are expected to be higher given the take up of external training offers by Councillors since the local elections in May / June 2018.

5.0 Financial Implications - Expenses

5.1 The costs of the member learning and development programme are met from a budget of £17,352. The majority of training sessions are delivered by council officers thus keeping costs down. There was an underspend of approximately £3196.00 in 2017/2018 which was used to fund the member needs analysis in 2018.

6.0 Legal Implications

6.1 None for the Member Development Programme.

6.2 The Local Authorities (Members' Allowances) (England) Regulations 2003 requires the council to keep a record of the payments made by it in accordance with its Members' Allowance Scheme. The record has to be made available

for public inspection and copies can be supplied too on request and on payment of a reasonable fee.

6.3 After the end of each year, the total amount paid in that year to each member has to be published in the council's area.

7.0 Equality Implications

7.1 This report contains no specific diversity implications.

8.0 Consultation with Ward Members and Stakeholders

8.1 This report has been shared with the Member Learning and Development Steering Group Members.

9.0 Human Resources/Property Implications (if appropriate)

9.1 N/A

Report sign off:

Peter Gadsdon
Director, Performance Policy & Partnerships

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APPENDIX 1 - Sessions delivered 2018-2019

The Council has organised and delivered the following member learning and development sessions since the 2018 local elections.

Ten of the thirty sessions were mandatory. Members who were unable to attend the original Mandatory training sessions were invited to attend the repeat sessions.

The vast majority of sessions have been delivered by council officers and partners, with some external facilitators:

- **Elected Members Induction Day – Wednesday, May 9 2018**

The core induction session was designed to provide key information, support, resources and training for new and returning members. In order to ensure that information is made available to members at a steady pace, new (and returning) Members were given a “welcome pack” of basic information, IT equipment included all forms that we needed them to complete.

Hosted by the Council’s Chief Executive, the programme focused initially on a general introduction to the Council and core issues, with the objective that, by the end of the session, Members would have a better knowledge of all the Council’s service areas and immediate challenges and priorities.

- **Code of Conduct and related issues - Tuesday, 15 May 2018 (repeated 11 September)**

This training session was mandatory for all Members. This session covered issues crucial to the ethical operation of members’ roles, including the council’s Code of Conduct, the subject of bias and predetermination and the use of council resources. Also included for discussion were the topics of Freedom of Information, and IT including blogging and social media.

- **Planning Committee training session (all Members were welcome to attend) - Wednesday, 16 May 2018**

This training session was mandatory for committee Members and Substitutes. This training session was an opportunity for all members to find out what they need to know about the Licensing Act. Under the Act, the Council has a duty to prevent crime and disorder and public nuisance, protect children from harm and ensure public safety. Whether in their capacity as a ward member or a member of the Alcohol and Entertainment Licensing Committee, Members have a key role to play in both setting policy and influencing the outcome of individual applications.

- **Corporate Parenting and Safeguarding Children - Mandatory - Wednesday, 23 May 2018**

One of the mandatory Member Learning and Development sessions relates to statutory Safeguarding of Children and Young People and Members’ role as a Corporate Parent. This session was delivered to provide Members with details of their responsibilities as a Corporate Parent and how they can support the improvement in outcomes for our most vulnerable group of children.

- **Scrutiny Induction Training - Thursday, 24 May 2018**

This session is mandatory to all Scrutiny Committee Members (all Members were welcome to attend) and was delivered to help Members gain greater

support and awareness of the potential of the scrutiny function. It included practical exercises to help Members understand the important aspects of the work of the Scrutiny Committees.

- **Mod.Gov Training - Wednesday, 30 May 2018 (repeated 18 September)**

This briefing was facilitated to give Members an introduction to mod.gov. How Members can make the most of the Council's agenda management system, how to maximise the app's potential and show some useful shortcuts / tips.

- **Casework Training and Surgery Management – Wednesday, 30 May 2018 (repeated 18 September)**

This session was delivered to provide Members with detailed guidance on how best to manage their casework and surgeries. The session was delivered by others but supported by two former councillors.

- **Equalities Training, Mandatory – Tuesday, 5 June 2018**

This session was delivered to help all Members gain and develop a comprehensive understanding regarding equality and diversity, and why they are fundamental to delivering on Brent's vision, values and priorities. As a result of the session members will understand the expectations of the "Equality Framework for Local Government", why Brent is going for 'Excellent' accreditation this year and what is asked of members during the assessment process.

- **Emergency Preparedness: The Role of Councillors During Civil Emergencies – Tuesday, 12 June 2018**

This training session was jointly delivered by the Civil Contingencies Team at Brent Council, and the Emergency Planning College from the Cabinet office. The aim of the course was to introduce how "Blue Light Services" and the Council work in partnership to respond to Civil Emergencies. It introduced the role of Councillors during Emergency Response, and explained communications protocols so Councillors will know how they will receive information during an incident.

- **Background to Local Government Finance and Financial Management – Wednesday, 13 June 2018**

This induction course was principally designed to help inform new Members about the local government finance system, the Council's overall financial standing and the pressures that it faces, the system of financial management in place to manage these pressures and the role of Members in that. All Members were invited to attend.

- **Audit Committee and the Audit Advisory Committee Induction for Committee Members - Thursday, 14 June 2018**

This induction session was delivered to provide support to all newly appointed Members, including substitute Members and returning Members of the Audit Committee and the Audit Advisory Committee in reviewing the management of the loans and investment portfolios. The session explored the key role of the committee, including the support that could be provided to the Head of Internal Audit in promoting good governance.

- **Local Government Boundary Review in Brent – Tuesday, 26 June 2018**

This session was arranged to brief Members on the Local Government Boundary Review of Brent. Members learnt that Brent is currently undergoing a review to address electoral imbalances between wards.
- **Local Government Pensions Training for Committee Members – Tuesday, 26 June 2018**

This mandatory induction session was designed to support and train members sitting on the local pension committee and board.
- **Seminar on Prevention Matters: Understanding Radicalisation and Extremist Ideologies – Wednesday, 25 July 2018**

This session was delivered in order to give an overview of Far Right extremist ideologies and how they can be attractive to vulnerable people. The training covered how people may become involved in Far-Right extremism, details of the Far Right's objectives and how the Far Right operates and recruits.
- **Universal Credit / Welfare Reform – Thursday, 27 September 2018**

This briefing session was delivered to brief Members on the rollout of the DWP's full Universal Credit service, which commenced rollout in Brent November 2018.
- **Member Briefing on the London Borough of Culture 2020 – Thursday, 11 October 2018**

This session was delivered to provide members with an overview of what Brent has planned as the London Borough of Culture for 2020. The focus was on how the exciting projects and work streams have developed since we won the bid and the timeline and key milestones moving forward.
- **Safeguarding Vulnerable Adults - Mandatory Training – Monday, 15 October 2018**

This mandatory training to all Members was delivered to introduce members to the collective responsibility of the council, elected members, employees, and partner agencies, for providing the best possible care and safeguarding for our vulnerable adults.
- **The Community Infrastructure Levy/CIL S106 – Monday, 22 October 2018**

This session was delivered to explain how financial contributions come through the planning system, what they can be used for and some of the freedoms and constraints around them.
- **Housing Induction – Wednesday 31 October 2019**

The Members' Housing induction session was delivered to introduce members to the breadth of services delivered by Housing. It was an interactive session, where members had to engage in discussions through which they were made to understand the strategic overview of the services provided and get acquainted with the issues, challenges and solutions being delivered in areas such as Homelessness, Allocations, Tenancy Management, Repairs & Maintenance and Landlord Licensing.

- **Brent Design Guide Supplementary Planning Document (SPD1)
Tuesday 27 November 2018**

This session was delivered to give Members a better understanding of urban design principles and what is expected from development. Members learnt which design policies and guidance are in place and how these are expected to improve the quality of Design around the borough. This included the new Brent Design Guide Supplementary Planning Document (SPD1).

- **Parking Consultation – Tuesday 4 December 2018**

The session was delivered to give Members a look at several proposals affecting some parking permits so Members can give their views to the Lead Member for Environment prior to the Cabinet meeting where decisions will be made.

- **Health Scrutiny Training – Thursday 6 December 2019**

This scrutiny training was delivered in advance of a special scrutiny committee meeting on the 13th December 2018. The training was organised with the Centre for Public Scrutiny and was led by a consultant and trainer. This session for members of the scrutiny committees, was to look at how members can hold to account the NHS and health bodies as well as better understand developments in health policy and to give members a more detailed understanding of how the NHS is organised and the major changes since 2012, and what role members can have in scrutinising health bodies effectively.

- **Understanding how the prevent strategy is delivered within Brent Local Authority - Monday 10 December 2018**

This session was delivered to give Members the opportunity to hear from the Prevent Team and key delivery partners, understand what the counter – terrorism threat picture looks like in Brent, patterns, emerging trends and community activity. The session was jointly delivered by officers from the Local Authorities Prevent Team and Counter – Terrorism Police officers.

- **Proposed Changes to Brent's Housing Allocations Policy – Member Discussion - Tuesday 18 December 2018**

This one hour session was facilitated to give Members an opportunity to discuss the proposed changes to the Council's Allocation Scheme, where Members can express their views on these proposals, as well as any other amendments that they would like to see implemented.

- **Brent Start Adult Education - Tuesday 18 December 2018**

The session was delivered to give Members the opportunity to hear about the new curriculum, performance and future planning for the Adult Education service.

- **Council Tax Support and Local Welfare Assistance scheme reviews, 2020/21 - Thursday 10 January 2019**

This briefing session was delivered to give Members an early opportunity to comment on the Council Tax Support (CTS) scheme and the Local Welfare Assistance (LWA) scheme being reviewed in 2019, and to have input on the design principles and features of any future schemes, while modelling is still at a formative stage.

- **Digital Strategy - Thursday 31 January 2019**

The Digital Strategy Member development session was delivered to give Members the opportunity to hear more about Brent's Digital Strategy and the projects and pilots that are helping to deliver it and how it can help residents and the council.

- **Social Media Training – Tuesday 19 February 2019**

This training session was delivered to provide an overview of 'Getting the most out of social media'. This included updates on how the council uses social media, the benefits and risks for members who have their own accounts and top tips to get the best out of Twitter, Facebook, Instagram and the do's and don'ts of social media.

- **Understanding biodiversity – A session on meadows, verges and nature across Brent - Thursday 28 February 2019**

This session was delivered to provide members with the opportunity to ask staff in the Neighbourhood Management service any questions regarding the meadow areas and the Council's proposed 2019 schedule of cutting grass verges. In addition, Members were introduced to information about the different kinds of wildlife already established in Brent and to understand how the Council is working with numerous voluntary organisations and residents associations to protect and enhance nature across the borough in our parks and open spaces.

- **Home Office and Elected Members, Prevent Strategy Roundtable Monday 11 March 2019**

This roundtable event was facilitated to give Members an opportunity to discuss the Prevent Strategy and related policy developments directly with representatives of the Office for Security and Counter-Terrorism, Home Office. In addition, Members received information from the Prevent Programme Provider for the Channel programme that works directly with individuals at risk of radicalisation.

Further scheduled sessions for 2019:

- Presentation and Public Speaking Training - Wednesday 20 March 2019
- Dementia Awareness Training - Thursday 28 March 2019
- The Football Association - Member Briefing – Thursday 25 April 2019

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Appendix 2 – Member Learning and Development Attendance Record - May 2019-Apr 2019

NUMBER OF SESSIONS ATTENDED	COUNCILLOR NAME	COUNCILLOR SURNAME
5	Abdirazak	Abdi
6	Abdi	Aden
22	Ihtesham	Afzal
14	Amer	Agha
10	Parvez	Ahmed
5	James	Allie
18	Muhammed	Butt
23	Saqib	Butt
3	Jumbo	Chan
5	Elliot	Chappell (Cllr as of 22-06.2018)
13	Bhagwanji	Chohan
24	Shafique	Choudhary
15	Aslam	Choudry
17	Lia	Colacicco
13	Reg	Colwill
11	Rita	Conneely
1	George	Crane
2	Mary	Daly
16	Tariq	Dar
3	James	Denselow
12	Liz	Dixon
12	Fleur	Donnelly-Jackson (Cllr as of 22-06.2018)
17	Tony	Ethapemi
12	Ernest	Ezeajughi
10	Harbi	Farah
17	Erica	Gbajumo
6	Kieron	Gill
5	Faduma	Hassan
9	Claudia	Hector
8	Krupesh	Hirani
19	Orleen	Hylton
22	Robert	Johnson
15	Sandra	Kabir
7	Suresh	Kansagra
4	Matt	Kelcher
14	Daniel	Kennelly

20	Promise	Knight
11	Vincent	Lo
23	Janice	Long
11	Arshad	Mahmood
0	Sarah	Marquis
2	Roxanne	Mashari
9	Michael	Maurice
8	Lloyd	McLeish
14	Margaret	McLennan
7	Tom	Miller (returning Cllr as of 22-06.2018)
13	Wilhelmina	Mitchell Murray
6	Joshua	Murray
2	Kana	Naheerathan
10	Neil	Nerva
7	Mili	Patel
7	Ramesh	Patel
11	Luke	Patterson
1	Michael	Pavey
9	Keith	Perrin
20	Trupti	Sangani
7	Ahmad	Shahzad
18	Ketan	Sheth
7	Krupa	Sheth
12	Eleanor	Southwood
17	Tom	Stephens
8	Shama	Tatler
22	Anita	Thakkar

COUNCILLO RNAME	COUNCILLOR SURNAME	Member Learning & Development: Programme Name	Date of Programme From - TO	End of Event	Number of Days	Venue
Eleanor	Southwood	Effectively Regulating Private Housing and Tackling Rogue Landlords	24/05/18	24/05/18		Asia House, Central London
Aslam	Choudry	Inaugural CIPFA Councillors Conference	13/09/18	13/09/18	1	House of Commons, SW1A 0AA
Neil	Nerva	Inaugural CIPFA and CFPS Councillors' Conference	13/09/18	13/09/18	1	Houses of Parliament - London, Greater London SW1A 0AA
Ketan	Sheth	CfPS National Health Scrutiny & Assurance Conference	14/09/18	14/09/18	1	Hilton London Tower Bridge, 5 More London Riverside, London, SE1 2BY
Krupa	Sheth	Leadership Academy - Prog 117	19/09/18	20/09/18	2	Warwick Conferences
Aslam	Choudry (Aslam)	CIPFA - Introduction to the Knowledge and Skills of the Audit Committee	20/09/18	20/09/18	1	CIPFA Mansell Street, 77 Mansell Street, E1 8AN
James	Denselow	Leadership Essentials Planning: Planning Committee Decision	27/09/18	28/09/18	2	Warwick Conferences
Robert	Johnson	Leadership Essentials Planning: Planning Committee Decision	27/09/18	28/09/18	2	Warwick Conferences
Robert	Johnson	Planning Decision Making	27/09/2018	28/09/18	2	Warwick Conferences
Robert	Johnson	Registration Confirmation for The need for speed: increasing build out rates for new homes	11/10/18	11/10/18	1	18 Smith Square, Westminster, London, SW1P 3HZ
Krupa	Sheth	Labour Next Generation	20/10/2018	21/10/18	2	Warwick Conferences
Krupa	Sheth	Leadership Academy - Prog 117	25/10/18	26/10/18	2	Warwick Conferences
Krupa	Sheth	Leadership Academy - Prog 117	22/11/2018	23/11/18	2	Warwick Conferences
Ihtesham	Afzal	Younger Councillor Weekender	24/11/18	25/11/18	2	Warwick Conferences
Ihtesham	Afzal	Younger Councillor Weekender	24/11/18	25/11/18	2	Warwick Conferences
Thomas	Stephens	Younger Councillor Weekender	24/11/18	25/11/18	2	Warwick Conferences
Thomas	Stephens	Younger Councillor Weekender	24/11/18	25/11/18	2	Warwick Conferences
Krupa	Sheth	Labour Next Generation	01/12/2018	02/12/18	2	Warwick Conferences
Janice	Long	CfPS: Local Government Scrutiny Conference	04/12/18	04/12/18	1	Holiday Inn, Bloomsbury, London WC1N 1HT
Tom	Miller	Seminar: Combating Gangs, Violence and Weapon	04/12/18	04/12/18	1	Central London
Kieron	Gill	Influencing Without Authority Course	04/12/18	04/12/18	1	Aldersgate House, 135-137 Aldersgate Street
Ketan	Sheth	CfPS: Local Government Scrutiny Conference	04/12/18	04/12/18	1	Holiday Inn, Bloomsbury, London WC1N 1HT
Robert	Johnson	Planning your message training	06/12/18	06/12/18	1	LGiU, 251/255 Pentonville Road, London, N1 9NG
Shama	Tatler	Community Infrastructure Levy, S106 and Developer Contributions 6/7th Dec	06/12/18	07/12/18	2	Warwick Conferences
Matt	Kelcher	Finance	08/12/2018	09/12/18	2	Warwick Conferences
Mili	Patel	Finance	08/12/2018	09/12/18	2	Warwick Conferences
Shama	Tatler	Planning, housing and affordable housing 13/14th Dec	13/12/18	14/12/18	2	Warwick Conferences
Robert	Johnson	Speed reading and retention – Fast Reading Techniques and Memory Strategies	18/12/18	18/12/18	1	LGiU, 251/255 Pentonville Road, London, N1 9NG
Abdi	Aden	Leadership Academy - Prog 181	12/01/2019	13/01/19	2	Warwick Conferences
Neil	Nerva	Westminster Social Policy Forum Keynote Seminar	15/01/2019	15/01/19	1	15 Hatfields, Chadwick Court, London SE1 8DJ
Krupa	Sheth	Labour Next Generation	19/01/2019	20/01/19	2	Warwick Conferences
Krupesh	Hirani	Leadership Essentials Cultural Services programme	24/01/19	25/01/19	2	Warwick Conferences
Krupesh	Hirani	Cultural Services	24/01/2019	25/01/19	2	Warwick Conferences
Matt	Kelcher	Scrutiny	26/01/2019	27/01/19	2	Warwick Conferences
Thomas	Stephens	Getting your Message	26/01/2019	27/01/19	2	Warwick Conferences
Shama	Tatler	Getting your Message	26/01/2019	27/01/19	2	Warwick Conferences
Anita	Thakkar	Women in Local Government London 2019	30/01/2019	30/01/19	1	1 Drummond Gate, Pimlico, Central London - SW1V 2QQ
Janice	Long	Annual Licensing Conference: Tuesday 5 February 2019	05/02/2019	05/02/19	1	18 Smith Square, Westminster, London, SW1P 3HZ
Ihtesham	Afzal	BAME	09/02/2019	10/02/19	2	Warwick Conferences
Shafique	Choudhary	BAME	09/02/2019	10/02/19	2	Warwick Conferences
Shama	Tatler	BAME	09/02/2019	10/02/19	2	Warwick Conferences
Mili	Patel	New Local Government Network (NLGN) Annual Conference 2019	26/02/2019	26/02/19	1	Guildhall, 71 Basinghall Street, London E2V 7HH
Abdi	Aden	Leadership Academy - Prog 181	16/02/2019	17/02/19	2	Warwick Conferences



**Brent Council
Member Needs Analysis
Development Priorities
September 2018**



BRENT COUNCIL MEMBER NEEDS ANALYSIS SUMMARY REPORT AND KEY RECOMMENDATIONS

1. BACKGROUND

Brent Council provided all Councillors with the opportunity to undertake a refresh of the Member Needs Analysis Development Plan that was initially undertaken in September- October 2014 and March 2017. In addition to the refresh Councillors who had not previously engaged in the programme were invited to participate. A focus of the programme was engaging the seventeen new Councillors elected in May/June 2018 and twelve of the newly elected Councillors participated in the programme.

The approach undertaken was based on a structured one to one discussion and the completion of a Member Needs Analysis Development Plan, the purpose being to support each Councillor to identify what information and development they required to effectively continue to fulfil their role as a Brent Councillor.

The one to one discussion and questionnaire were confidential and informed the key findings and recommendations within this summary report. A copy of the questionnaire is attached as Appendix 1.

The one to one session was both a refresh for Councillors who had participated in 2014/2017 and open to a wider group of Councillors who had not previously participated. Twenty-seven of the sixty-three (43%) Brent Councillors took up the opportunity of a one to one session and the completion of Member Needs Analysis Development Plan, this was the highest participation rate in the programme since 2014. The one to one session took place between the 12th June and 19th July 2018. Fourteen of the participating Councillors were undertaking a refresh and thirteen participating in the programme for the first time.

Those participating also included four Cabinet members, Chair of Overview and Scrutiny, Mayor and Deputy Mayor and Conservative Group Leader. The programme had the participation and involvement of twenty-five Labour Group Councillors and two Conservative Group Councillors.

The approach was further supported with all Councillors given the opportunity to undertake an online LGA Political Skills Questionnaire. The questionnaire is based on the LGA Political Skills Framework. The data from the responses is attached as Appendix 3, sixteen Councillors completed the self -evaluation questionnaire. The key development priorities identified through the Political Skills Questionnaire (where 40% or more of respondents identified the area as a 'development' priority) include:

- **Scrutiny and Challenge-** Ability to understand and analyse complex information
- **Scrutiny and Challenge-** Able to identify areas that are suitable for scrutiny and ensure that residents are involved in the process
- **Scrutiny and Challenge-** Understand the scrutiny process and check that recommendations have been implemented
- **Scrutiny and Challenge-** Objective and thorough when challenging processes, decisions and people

- **Scrutiny and Challenge-** Able to ask challenging but constructive questions
- **Partnership Working-** Work with community groups to improve understanding and cooperation between individuals and groups to overcome potential misunderstandings
- **Partnership Working-** Work to build good relationships with colleagues, officers, community groups and other organisations
- **Partnership Working-** Work with and inspire others to achieve shared ambitions
- **Partnership Working-** Confident in ability to resolve conflict or stalemate effectively
- **Local Leadership-** Maintain awareness of local concerns by talking to different groups of people, including 'hard to reach groups'.
- **Regulating and Monitoring-** Chair meetings effectively, follow protocol to make sure all views are explored and keep process on track
- **Regulating and Monitoring-** Ability to monitor performance and intervene when necessary to ensure progress
- **Communication Skills-** Create opportunities to communicate with different groups and people, including hard to reach groups.
- **Communication Skills-** Provide regular feedback to people, ensuring that they are kept informed and that goals remain realistic
- **Providing Vision-** Ability to establish strategic policies and prioritise actions on local needs, manifestos and regional opportunities
- **Providing Vision-** Ability to work with officers to collate and analyse information, inform budget priorities and performance plans.
- **Providing Vision-** Actively encourage involvement of stakeholders in policy formulation
- **Providing Vision-** Create and communicate a shared council vision, providing clear direction and promoting understanding.
- **Managing Performance-** Ability to work closely with senior officers to develop, agree and implement portfolio strategies.
- **Managing Performance-** Able to set and communicate realistic and achievable objectives, monitor performance and act to address deficits.
- **Managing Performance-** Able to develop knowledge of council systems and input council views at area specific meetings
- **Managing Performance-** Ability to represent the electorate and council at a strategic level through links and partnerships at local, regional and national level
- **Excellence in Leadership-** Able to provide visionary and charismatic leadership, inspire trust in others and gain commitment to policies and decisions
- **Excellence in Leadership-** Able to act as the public face of the council and champion council needs in regional and national debates
- **Excellence in Leadership-** Able to work across political and council boundaries to foster communication and encourage cooperation

The analysis of the Political Skills Questionnaire identified that compared to 2017 Councillors have identified more of the attributes within the framework for development. This is particularly evident in the areas of Scrutiny and Challenge and within the three leadership areas (Providing Vision, Managing Performance and Excellence in Leadership). This is a likely response to the high number of newly elected Councillors who completed the Political Skills Questionnaire in 2018.

The one to one discussion was structured and facilitated to include the following:

- An understanding of the background of each Councillor, professional and political
- Key skills and aspects of the Council in which they had an interest
- A review of key development undertaken since 2017 or following the May 2018 election
- Personal goals and ambitions including ward, political and Council
- Specific individual development needs and priorities over the next twenty- four months
- Preferred personal learning styles and;
- Time and structure of learning and development

The individual MNA Development Plan completed for each participating Councillor prioritised key development objectives, how the objectives were to be met how to measure success and a target date for completion. The Plan also requires Councillors to evaluate and review any development activities that are undertaken and completed every 24 months.

This summary report and the individual MNA Development Plans are based on identifying the knowledge required to be an effective Councillor e.g. understanding the organisation, how it works, constitution and protocols; and the skills required e.g. IT skills and soft skills such as public speaking and questioning skills.

Since 2010 Brent Council has successfully been accredited against the LGA London Charter for Elected Member Development and in September 2015 the Council was awarded the Charter Plus accreditation. The approach taken as part of this programme will support the Councils Charter Plus reassessment to be undertaken by December 2018.

2. MEMBER DEVELOPMENT SUPPORT

The one to one session and the MNA Development Plan sought to identify the preferred timing for scheduled development and training activities and the preferred approach for learning.

Q. When do you prefer development activities to be arranged?

(Respondents chose all that applied)?

- During the working week - 12 positive responses
- Evening (6pm start) - 23 positive responses
- Weekends - 5 positive responses
- Other (please elaborate) - 0 responses

The preferred timing for scheduling the training was from 6pm in the evening, followed by “during the working week”. The evening was particularly preferred by Councillors who had full or part time employment during normal working hours. Some concern was expressed that the new 6 pm start time made it difficult to attend the development sessions due to work and travel commitments. The evening sessions are in keeping with the current approach to training and development led by the Member Services Team.

A preference for the day time was supported by Councillors who were not in full time employment, were retired or had shift patterns of work. Weekends were generally not supported as many Councillors used the weekends particularly Saturday for local ward surgeries, case work and political activities/canvassing.

Regarding the preferred approach to learning the 27 participating Councillors prioritised this as follows (Respondents chose all that applied):

- E learning - 6
- External seminars/conferences - 17
- Internal briefings and workshops - 24
- Other (please elaborate) - 0

The preferred method of training and development was through *internal workshops and seminars*. This is the approach that can have the highest impact for the Council in respect of the number of Councillors participating, is more cost effective and the training can be bespoke to Brent Council. This is currently the preferred approach by the Council.

Councillors did express an interest and enthusiasm for development to include site visits and visits to other Councils. Those Councillors with chairing and special responsibilities had an interest in building and attending networks with Councils and Councillors across London. Member Services and Support may wish to look at offering these alternative approaches to development where they can add value and support Councillors to identify and participate in London wide or national networks.

External conferences and seminars were also preferred by those Councillors who had specific development needs or those who wished to develop skills in leadership where participation in an external course would allow for networking and exposure to issues and challenges beyond Brent, e.g. participation in the LGA Leadership Academy or the Next Generation programme. There was a view that external Leadership development programmes were particularly useful for Councillors in new leadership roles.

E- Learning had very little support as a preferred method of learning delivery and Councillors saw it as an approach to compliment rather than replace workshops and courses.

3. KEY SKILLS AND INTERESTS COUNCILLORS BRING TO THE ROLE

The one to one session and the MNA Development Plan (27 Councillors) asked participating Councillors what skills and areas of interest they brought to the role of Councillor following their election. Although the motivations for becoming a Councillor varied from party political to a commitment to the local community the skills brought to the role included:

- Communication
- Community leadership and representing the ward
- Public speaking
- Organisational change
- Legal
- Team working
- Decision-making skills
- Policy and research
- Scrutiny and challenge
- IT skills
- Social media
- Mentoring

The key areas of interest that Councillors brought to the role and that had encouraged them to become Councillors included:

- Representing the ward and constituents
- Political party support and commitment
- Social care
- Housing
- Supporting mental health
- Public health and health outcomes
- Engaging and supporting young people
- Local regeneration
- Educational attainment
- Community cohesion and
- Diversity

4. KEY AREAS FOR MEMBER DEVELOPMENT – KNOWLEDGE AND SKILLS

The Councillors participating in the one to one session were asked to prioritise their key development areas based upon the completion of a questionnaire. The development areas were based around the soft skills, IT skills and knowledge they required in their role as a Councillor. The full summary of the skills and knowledge development priorities is attached as **Appendix 2**.

The areas prioritised by the 27 Councillors for development include:

Skills (High to low priority)

- Confidence in public speaking, speeches and presentations (14 Councillors)
- Chairing skills and the ability to facilitate discussions (10 Councillors)
- Questioning skills (7 Councillors)
- Influencing and persuading skills (5 Councillors)
- Casework management i-casework/advice surgeries (4 Councillors)
- Speed reading/effective reading (4 Councillors)
- Effectively contribute to meetings (4 Councillors)
- Ability to communicate with a range of audiences (2 Councillors)
- Time Management (1 Councillor)

IT Skills (High to low priority)

- Social Media (Twitter/Facebook) (6 Councillors)
- PowerPoint (3 Councillors)
- Using a handheld mobile device (2 Councillors)
- Excel (1 Councillor)
- Outlook/managing emails (0 Councillors)
- Word (0 Councillors)
- Basic computer/keyboard skills (0 Councillors)
- Internet/Intranet (0 Councillors)

Knowledge

- Cabinet and leadership development (10 Councillors)
- Local Government finance and budgets (9 Councillors)
- Overview and scrutiny (7 Councillors)
- Understanding the organisation, constitution, protocols (7 Councillors)
- Community leadership, engagement, knowing my ward (7 Councillors)
- Local and national policies and the impact on the Council (4 Councillors)
- Freedom of Information and data protection (GDPR) (3 Councillors)
- Diversity and equality (1 Councillor)
- Ethics and standards (Code of Conduct) (1 Councillor)

5. KEY RECOMMENDATIONS FOR DEVELOPMENT

Since the MNA undertaken in 2017 the number of Councillors that highlighted any of the skills and knowledge referred to has increased, this is to be expected as almost 50% of Councillors participating in the programme are newly elected. The position is very similar to that of September 2014 following the election.

Skills

- **Chairing skills and the ability to facilitate meetings.** This again like in 2017 was prioritised by Councillors as a top skill for development by ten Councillors. The focus was on chairing not just principal Council Committees but more importantly Local Forums, community networks and meetings and public meetings.

The focus for the development was to also include *facilitation* skills rather than just chairing a meeting. The chairing and facilitation role for an Overview and Scrutiny Committee or Task Group differs from that of a formal committee with a greater focus on facilitation, engagement and inclusion rather than procedure.

- **Confidence in public speaking, including making speeches and delivering presentations.** Again, prioritised as a top skill for development by fourteen Councillors, the focus should be providing Councillors with the skills to present in formal committees and the Council meeting but also in more informal surroundings including Area Forums, ward meetings and when required in public meetings.

The development should include making an impact and producing a speech or using PowerPoint and visual aids. The development should allow for Councillors to make a presentation and consideration should be given to videoing a presentation and a facilitator or coach providing constructive feedback on a one to one basis. The Council has commissioned and provided an external facilitator to support public speaking and presentation skills in 2017 and this should be repeated in 2018 and to provide new Councillors participating with the opportunity to develop presentation and public speaking skills.

Cabinet Councillors also expressed a desire for additional support in respect of media skills development particularly to support live television interviews and radio interviews. Some interest was also expressed in how to use YouTube effectively to promote the work of the Council and to ensure maximum impact from the use of new methods of communication.

- **Influencing skills.** *Influence and Persuasion* was a key skill for effective Overview and Scrutiny as scrutiny was about exerting influence rather than decision-making. The key skills include how to exert influence both formally and informally, developing an effective influencing strategy and how to increase a sphere of influence. Influence was also seen important in how to partner with and collaborate with key community stakeholder organisations and the wider business community.

- **Questioning Skills.** Questioning skills was identified as a key development area to support more effective internal and external accountability of decision makers (cabinet) and external organisations that had a high level of impact at ward and Borough level across the local community. Questioning skills was particularly important in respect of the overview and scrutiny role both within formal committees and task groups. Questioning skills was also highlighted as important to support Councillor casework, developing knowledge and gathering information within advice surgeries.

IT Skills

- **Social Media (Twitter and Facebook).** The use of social media as a key to supporting effective community engagement, leadership and involvement continued to be recognised as a skill that was of growing importance. The use of Twitter in particular, local and ward Facebook sites and individual websites are recognised as a high value and high impact way of engaging the community. For most councillor's social media continues to compliment rather than replace existing engagement techniques such as Advice Surgeries and visibility in the local community.

Councillors as in 2017 continue to be at different levels in respect of the use of social media but there has been an increase in the number of Councillors who now recognise the importance of social media. Since the first Members Needs Analysis in 2014 the number of Councillors engaged in social media has risen dramatically and since 2017 the number of Councillors who identify social media as a development priority has fallen as expertise has developed. Since 2017 the Council has been proactive in providing development support in respect of the use of social media for Councillors. The 2018 in take of new Councillors also appear to be more proficient in the use of social media.

- **IT Skills development** has seen a significant improvement since 2014 and 2017 with no Councillors in 2018 prioritising basic computer/keyboard skills as a development priority. Recently elected Councillors (2018) had a high level of IT skills and high expectations in the use and functionality of the IT hard/software. Three Councillors did express a desire for development and support in the use of PowerPoint, this development should be provided on a one to one basis via an IT officer.

Knowledge

- **Leadership development.** Leadership development for existing, recently appointed/elected and aspiring cabinet members was identified as an increasing key development area both within the 1-1's with Councillors and through the responses to the three leadership competencies within the Political Skills Questionnaire. Ten Councillors identified leadership development as a key priority within the 1-1 sessions.
- Cabinet Councillors saw the acquisition of knowledge to undertake the portfolio and a need for whole Cabinet team development as important to support a more collegiate approach to Cabinet working and decision making. Also, Councillors in non-executive roles had an increasing desire and expectation to develop their strategic and political leadership skills to support professional development and to be able to respond to political succession planning.

As recommended in 2017 a systematic approach to quarterly or bi-annual cabinet *development* sessions and or away days to build team and leadership capacity and resilience should be scheduled. This approach may involve external facilitation in certain circumstances.

Cabinet members should also be provided with the opportunity, where required, to have an external mentor through the LGA Peer Mentoring programme and encouraged to network with other cabinet members in similar portfolio areas from across London.

Updated Cabinet role profiles based around the key competencies within the LGA Political Skills Framework should also be developed with regular 1-1s scheduled between the Leader or Deputy Leader and Cabinet members. The 1-1s should support development and evaluate the delivery of portfolio strategic objectives and priorities.

All Cabinet members have been supported to participate on the **LGA Leadership Academy** and **LGA tailored Leadership Essentials** programmes that support knowledge and wider leadership skills.

To support future succession planning Councillors with leadership ambitions should be encouraged to participate on the politically affiliated **LGA Next Generation programme**. The programme aims to support and encourage ambitious and ambitious Councillors to be confident and effective political leaders, develop personal leadership and media /communication skills. This was identified as a development priority for eight Councillors within the MNA Development Plan.

Cabinet members should also consider becoming an accredited LGA Peer Assessor to take part in Corporate Peer Reviews. The role of assessor will build the knowledge of the Councillor through observation, assessment and learning from a wider council perspective.

Knowledge and learning acquired as an assessor can also be brought back, shared and where appropriate applied within Brent Council.

- **Overview and Scrutiny.** Councillors interviewed continued to have a high interest in developing the knowledge and skills to develop and take forward the potential of overview and scrutiny. Seven Councillors identified overview and scrutiny as an area for further development.

The Councillor development should include the Overview and Scrutiny Chairs members of the Committees and those appointed to chair or be a member of a Task Group.

Overview and Scrutiny has continued to develop and improve both in respect of its internal and external impact but also with regards the skills and knowledge of Councillors who are members of an overview and scrutiny committee or participating as a member or chair of a task group.

Consideration should be given to having overview and scrutiny councillor development as a pre –requisite as part of been a member of the Committees.

Continued Overview and Scrutiny development should focus on:

- Overview and scrutiny, the role and potential
- The relationship between cabinet and scrutiny, developing a supportive and interdependent relationship.
- Developing high impact reviews and recommendations
- Analysing complex information and project planning/scoping a scrutiny review
- Skills for effective scrutiny including exerting influence and chairing skills
Developing questioning skills that was highlighted by seven Councillors as a development need. In 2017 the Council had provided specific development in this area and the need had now been prioritised by the new Councillors elected in May 2018.
- The Overview and Scrutiny Chairs and Vice Chairs should be encouraged and supported to network with other Chairs of Overview and Scrutiny across London and formal/informal networks should be established to exchange information and support shared development.

- **Understanding the organisation and how it works, constitution, protocols and conventions.** The recently elected Councillors had a high interest in developing their knowledge and understanding of how the Council works particularly the political management and decision-making process. Seven Councillors raised this a development priority

There was a key interest in how a non-executive Councillor can shape, influence and be involved in policy development and understand council protocol in Council meetings including standing orders, motions and points of order.

A greater understanding of the protocols and conventions will support the development of Councillors confidence in public speaking and will also ensure more effective political accountability within Full Council and other committee meetings.

- **Local Government Finance.** Nine Councillors identified Local Government Finance as an area for further development. This was after Leadership Development the area identified as the highest development priority. Specific development included an understanding of Local Government finance and the budget setting process and how Councillors can provide effective scrutiny and accountability of the budget process.

Councillors were of the view that a better understanding of how the budget is developed will allow them to be better placed to participate in discussion around service and budget priorities and where budget cuts can be made and the likely community impact of the cuts.

Newly elected Councillors identified the importance of having the skills in respect of finance to be better able to communicate and explain the impact of budgetary constraints within their ward and be more knowledgeable in responding to specific constituent questions.

Practical knowledge of finance and the budget process was also of importance for those Councillors who will be involved in budget scrutiny to support more informed recommendations and improved accountability.

Community Leadership, Engagement and Knowing My Ward. Seven Councillors identified this as a development priority and all had recently been elected. Key areas for development included undertaking casework, developing a shared vision for the ward at a Councillor level. Developing key ward priorities for the next four years and learning from good practice e.g. the **Street Champion** approach that has been taken forward in **Stonebridge** ward.

Councillors also wished to prioritise the ward representation role including how to develop a personal profile in the ward and ensuring that they can lead and respond to high priority local issues e.g. fly-tipping, housing issues and pot holes in roads. Raising personal profile was particularly important for those new councillors who were in wards with other very experienced councillors who already had a personal profile.

Councillors were also keen to identify and learn new approaches to increase community participation and involvement and build community resilience because of continuing financial challenges.

As prioritised in 2014 development support in this area can be organised around three themes **community leadership, community engagement and community involvement.**

The development should focus around the following workshops or modules:

- **Community leadership** - The role of community leadership and the skills Required
- **Community engagement**- Identifying and involving marginalised groups to develop qualitative feedback that can shape and impact policy. Different approaches to community engagement and the different levels and types of involvement and participation.
- **Community involvement**- Developing approaches to involvement e.g. participatory appraisal, the challenges of involvement and engagement,

supporting diversity, community participation work and evaluating community interventions.

6. MENTORING

The Member Needs Analysis also identified support for a structured approach to mentoring and peer support. New Councillors identified the importance and desire for Councillor to Councillor mentor support. Cabinet members prioritised external mentoring provided through the LGA Peer mentoring programme.

The Labour Group has been proactive in developing a Mentoring /Peer Support Programme with all new Members provided with a trained mentor that follows a best practice approach to mentoring. All other Councillors have been offered peer support around specific areas where identified and required.

7. MOVING FORWARD

The Member Needs Analysis has demonstrated Brent Council's continued strategic commitment to supporting and developing Councillors so that they can fulfil their potential, lead and contribute to the decision-making process and be effective community Councillors. The Member Needs Analysis has also highlighted the scope and positive impact of the member development that has been undertaken in the last four years, since May 2014.

The 27 MNA Development Plans and this report should act as the focus for taking forward a member development programme up to and beyond 2020, at this stage the individual Councillor action plans should be reviewed.

The Member Needs Analysis will also support the Member Development Steering Group in respect of the Charter Plus re-assessment to be undertaken by December 2018.

Mark Palmer
Development Director
South East Employers
September 2018



Brent Council
Member Needs Analysis



Brent Council is providing all Members with the opportunity to undertake a one to one session to support a comprehensive Member Needs Analysis. This questionnaire is designed to help identify what information and development you require to effectively fulfil your role as a Brent Councillor.

This questionnaire is confidential and will be completed as part of the one to one discussion. The aim is to complete the form as fully as possible so that appropriate development opportunities can be identified.

Please check it for accuracy and make any necessary changes.

If you have any questions please direct them to Mark Palmer, 01962 840664 or mark@seemp.co.uk.

Name: Cllr.....

Ward: Number of years as a Cllr:



<p>Are there any relevant experiences e.g. professional, business or community roles that you bring to the role of Councillor? <i>Please list</i></p>	
<p>Are there any aspects of your Council work that you have a keen interest in? <i>Please list.</i></p>	
<p>Considering your ambition for your: -</p> <ul style="list-style-type: none"> • Ward • Council and • Political Party <p>What are your priorities and goals for the next 24 months?</p>	

What skills and knowledge would help you to achieve these priorities and goals? <i>Please list.</i>	
--	--

When do you prefer development activities to be arranged?

During the working week
 Evening (6pm start)
 Weekends
 Other (please elaborate)

How do you prefer development activities to be arranged?

E-learning
 External seminars and conferences
 Internal briefings and workshops
 Other (please elaborate)

Skills	Development required (✓)	No development required (✓)
Effectively contributing to meetings		
Confidence in public speaking, including making speeches and delivering presentations		
Chairing skills and ability to facilitate discussions		
Questioning skills		
Influencing and persuading skills		
Ability to communicate with a range of audiences		
Speed reading / effective reading		
Time management		
Casework / advice surgeries management		

IT skills	Development required (✓)	No development required (✓)
Using a handheld mobile device		
Outlook / managing emails		
Internet / Intranet		
Word		
Excel		
PowerPoint		
Basics computer / keyboard skills		
Social media (Twitter, Facebook etc.)		
Knowledge	Development required (✓)	No development required (✓)
Understanding the organisation and how it works, the Constitution, protocols and conventions		
Ethics and standards (Code of Conduct)		
Local and national policies and their impact on the Council		
Overview and Scrutiny and decision making		
Diversity and Equality		
Freedom of Information / Data Protection		
Local Government Finance		
Community leadership / knowing my ward		
Cabinet / leadership development (understanding portfolio)		

Development Objective (relate to MNA questionnaire)	How will this objective be met?	How will I recognise success?	Target / completion date	Implementation and feedback

APPENDIX 2

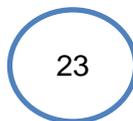
MEMBER NEEDS ANALYSIS – BASED ON ONE TO ONE DISCUSSION AND COMPLETED DEVELOPMENT PLAN FOR 25 COUNCILLORS

When do you prefer development activities to be arranged? (Respondents chose all that applied)

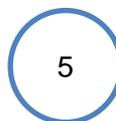
During the working week



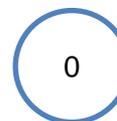
Evening (7pm start)



Weekends

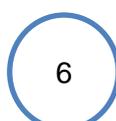


Other (please elaborate)



How do you prefer development activities to be arranged? (Respondents chose all that applied)

E-learning



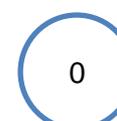
External seminars and conferences



Internal briefings and workshops



Other (please elaborate)



Skills	Development required (✓)	No development required (✓)
Effectively contributing to meetings	4 (0)	23 (25)
Confidence in public speaking, including making speeches and delivering presentations	14 (7)	13 (18)
Chairing skills and ability to facilitate discussions	10 (8)	17 (17)
Questioning skills	7 (2)	20 (23)
Influencing and persuading skills	5 (5)	22 (20)
Ability to communicate with a range of audiences	2 (2)	25 (23)
Speed reading / effective reading	4 (5)	23 (20)
Time management	1 (6)	26 (19)
Casework / advice surgeries management	4 (0)	23 (25)

IT skills	Development required (✓)	No development required (✓)
Using a handheld mobile device	2 (0)	25 (25)
Outlook / managing emails	0 (2)	27 (23)
Internet / Intranet	0 (2)	27 (23)
Word	0 (2)	27 (23)
Excel	1 (3)	26 (22)
PowerPoint	3 (3)	24 (22)
Basics computer / keyboard skills	0 (6)	27 (19)
Social media (Twitter, Facebook etc.)	6 (10)	21 (15)

Knowledge	Development required (✓)	No development required (✓)
Understanding the organisation and how it works, the Constitution, protocols and conventions	7 (4)	20 (21)
Ethics and standards (Code of Conduct)	1 (1)	26 (24)
Local and national policies and their impact on the Council	4 (2)	23 (21)
Overview and Scrutiny and decision making	7 (5)	20 (20)
Diversity and Equality	1 (1)	26 (24)
Freedom of Information / Data Protection	3 (3)	24 (22)
Local Government Finance	9 (3)	18 (22)
Community leadership / knowing my ward	7 (3)	20 (22)
Cabinet / leadership development (understanding portfolio)	10 (6)	17 (19)

(The figures in brackets represent the 2017 responses to the questionnaire)

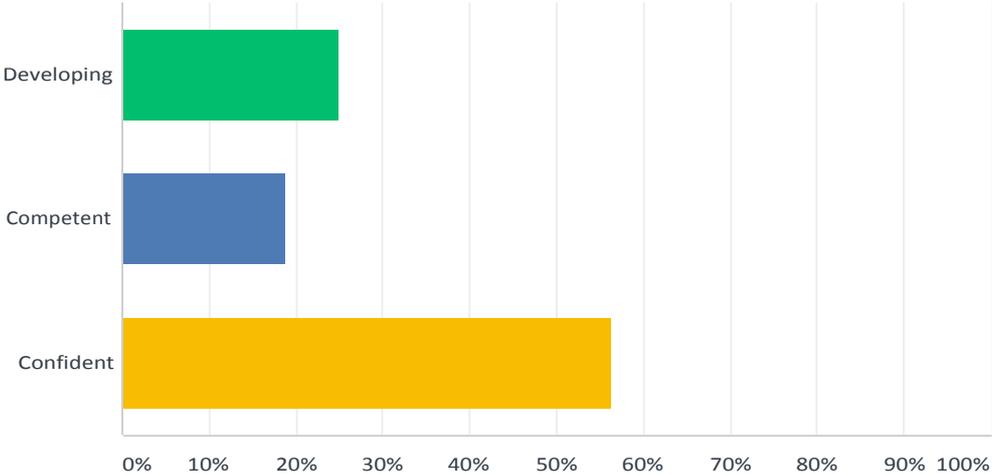


**Councillor Political Skills
Framework
Self-Evaluation Survey**



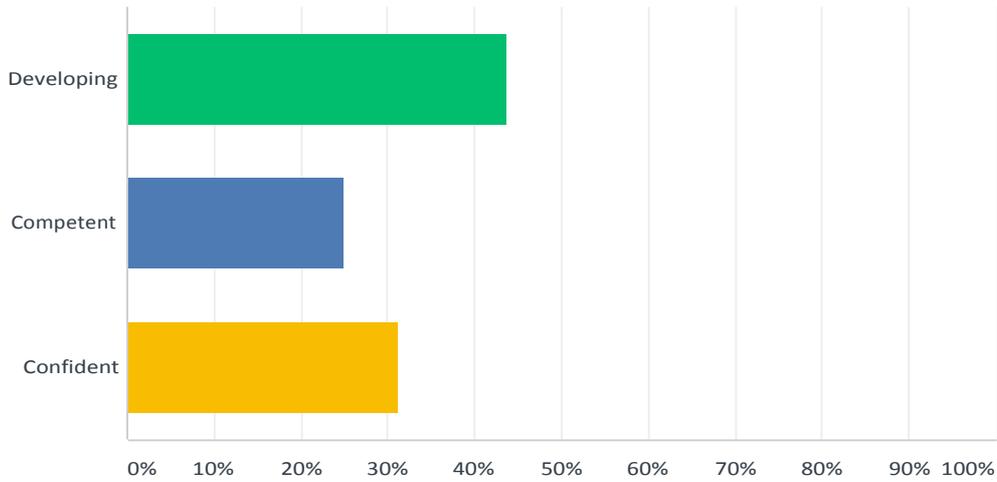
Local Leadership

Q1 I speak to residents; I seek their opinions and look for ways to represent them effectively.



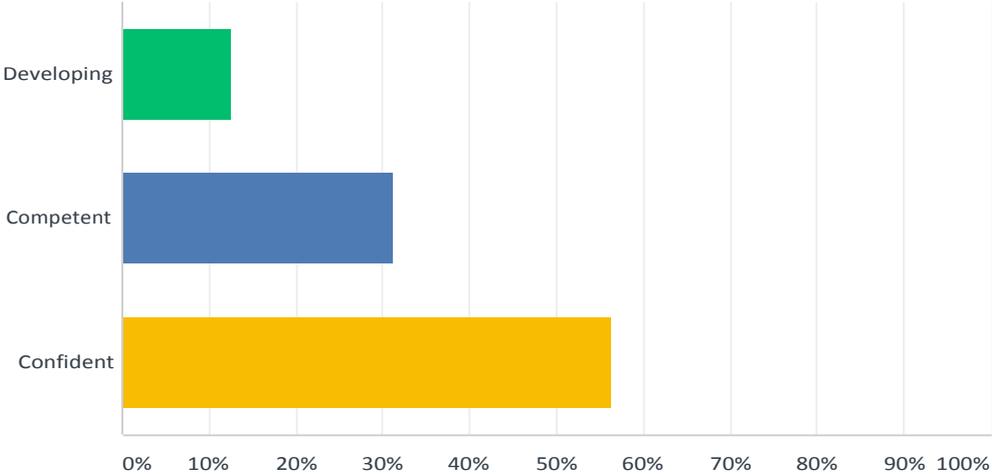
ANSWER CHOICES	RESPONSES	
Developing	25.00%	4
Competent	18.75%	3
Confident	56.25%	9
TOTAL		16

Q2 I maintain my awareness of local concerns by talking to different groups of people, including 'hard to reach' groups (gypsies and travellers, young people, vulnerable people, migrant workers, etc).



ANSWER CHOICES	RESPONSES	
Developing	43.75%	7
Competent	25.00%	4
Confident	31.25%	5
TOTAL		16

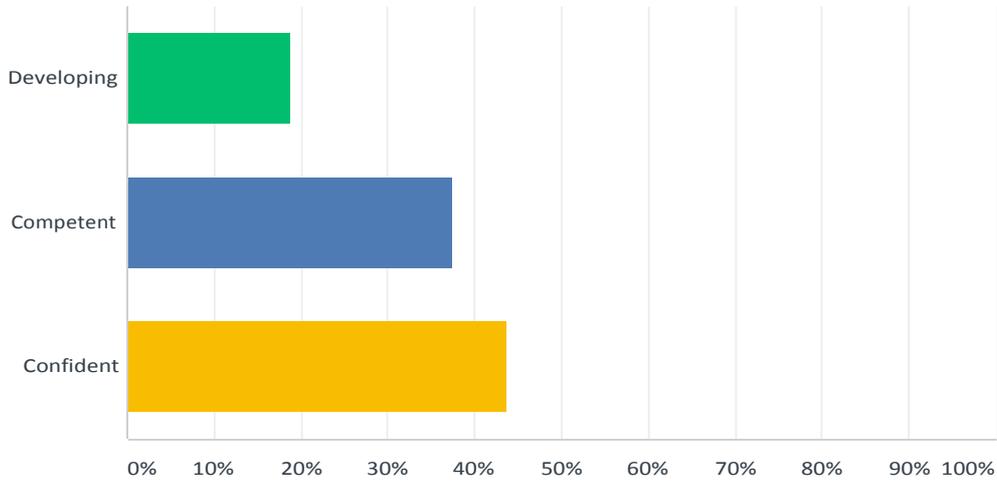
Q3 I work hard to gain the trust and respect of others by being approachable, being willing to listen and being ready to change my position when needed.



ANSWER CHOICES	RESPONSES	
Developing	12.50%	2
Competent	31.25%	5
Confident	56.25%	9
TOTAL		16

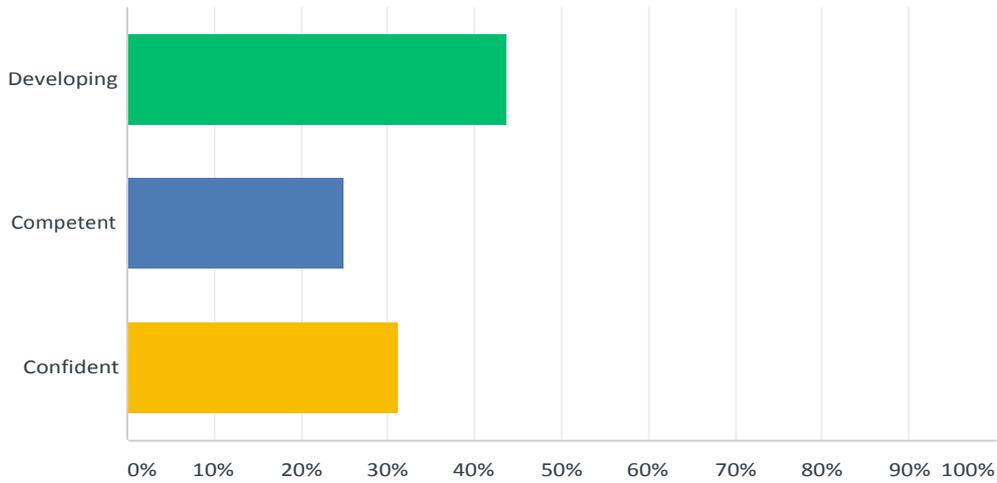
Partnership Working

Q4 I establish good working relationships with different groups and people, to ensure their involvement in the decision-making process.



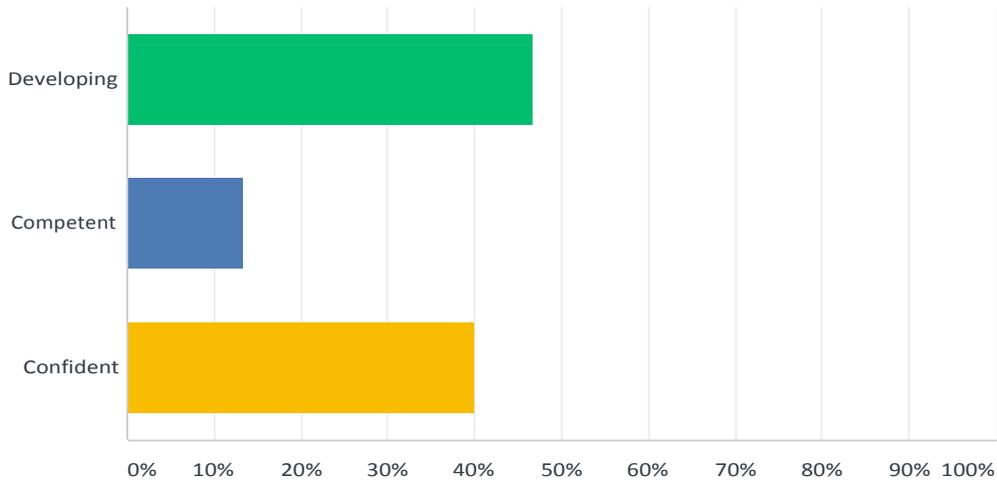
ANSWER CHOICES	RESPONSES
Developing	18.75% 3
Competent	37.50% 6
Confident	43.75% 7
TOTAL	16

Q5 I work with the community to improve understanding and cooperation between individuals and groups and overcome potential misunderstandings.



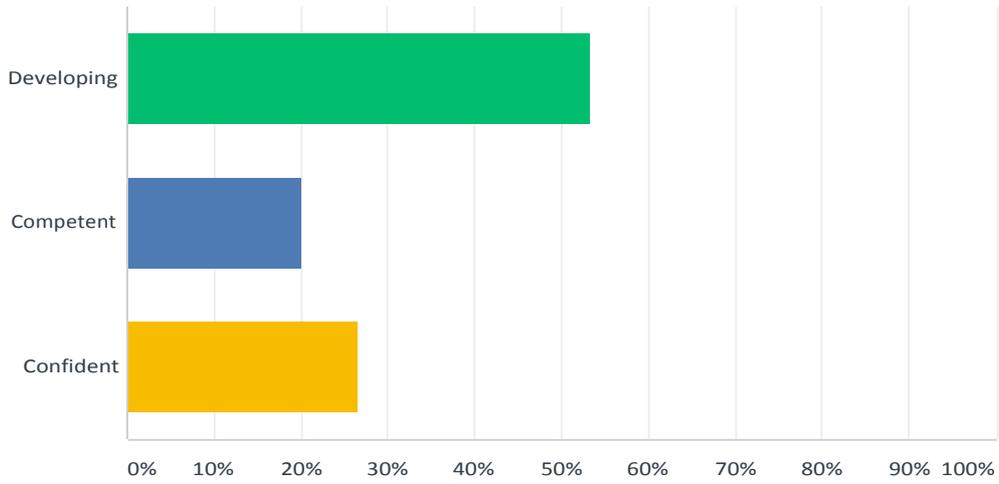
ANSWER CHOICES	RESPONSES	
Developing	43.75%	7
Competent	25.00%	4
Confident	31.25%	5
TOTAL		16

Q6 I actively work to build good relationships with colleagues, officers, community groups and other organisations.



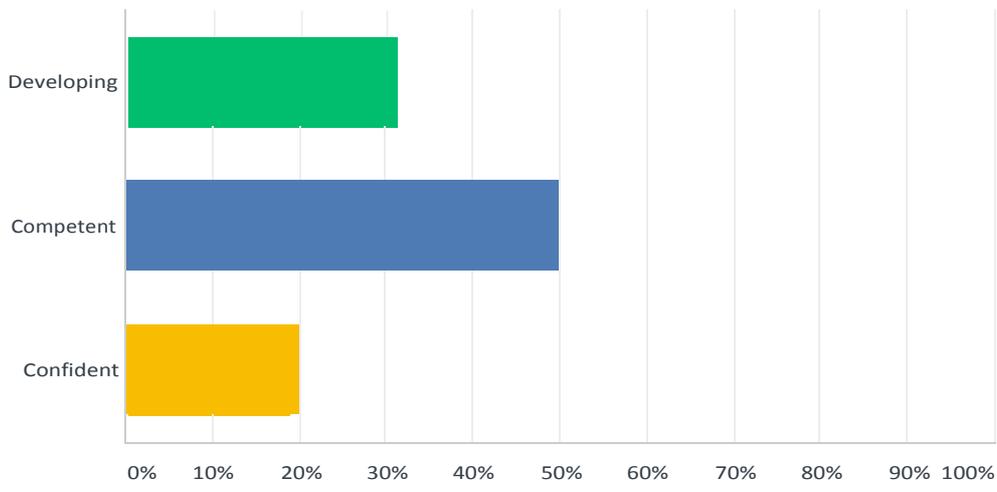
ANSWER CHOICES	RESPONSES	
Developing	46.67%	7
Competent	13.33%	2
Confident	40.00%	6
TOTAL		15

Q7 I work with and inspire others to achieve shared ambitions.



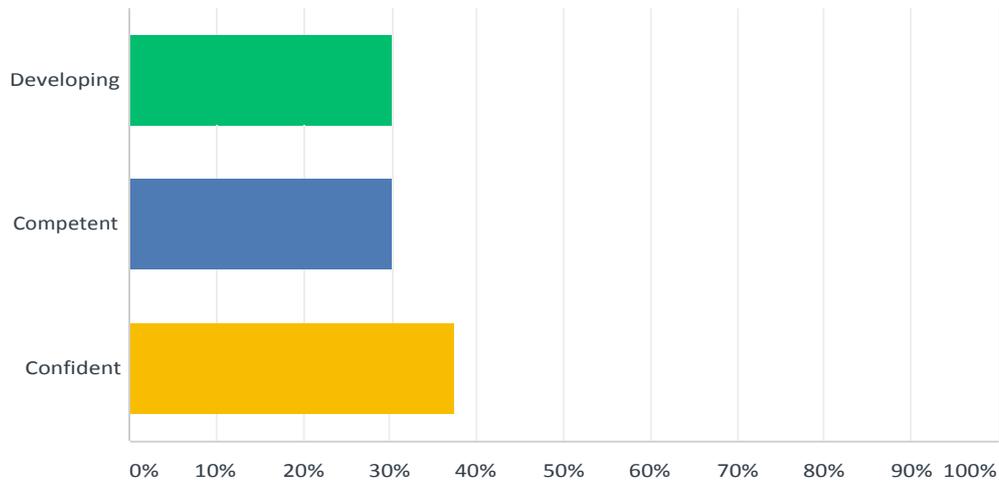
ANSWER CHOICES	RESPONSES	
Developing	53.33%	8
Competent	20.00%	3
Confident	26.67%	4
TOTAL		15

Q8 I am able to decide when to encourage and enable others to take responsibility.



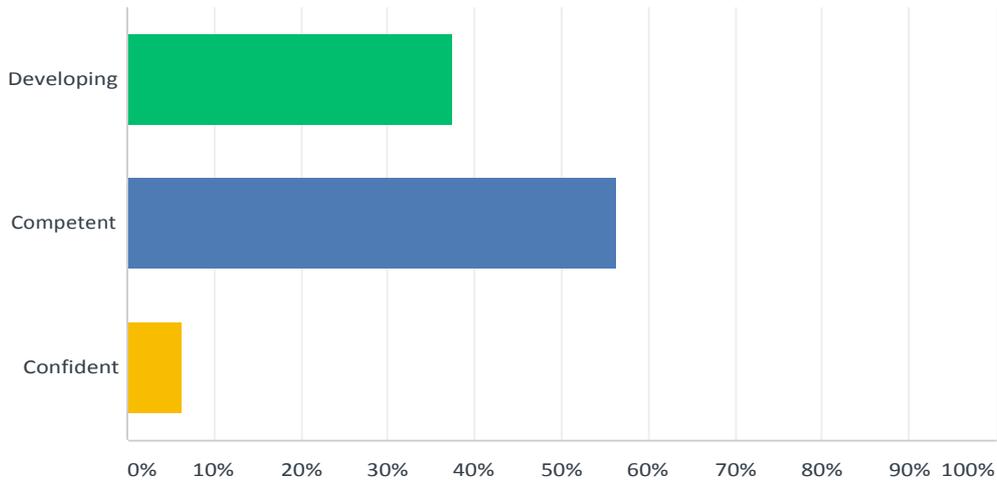
ANSWER CHOICES	RESPONSES	
Developing	31.25%	5
Competent	50.00%	8
Confident	18.75%	3
TOTAL		16

Q9 I am able to establish an environment that encourages people from diverse backgrounds to feel valued, trusted and included.



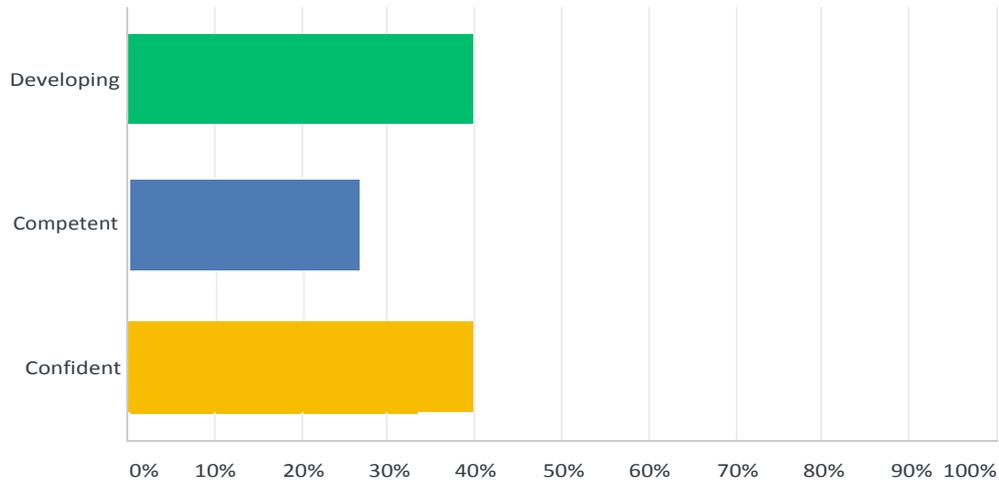
ANSWER CHOICES	RESPONSES	
Developing	31.25%	5
Competent	31.25%	5
Confident	37.50%	6
TOTAL		16

Q10 I understand the part I play in building and shaping key partnerships at various levels (local, regional and national – where relevant).



ANSWER CHOICES	RESPONSES	
Developing	37.50%	6
Competent	56.25%	9
Confident	6.25%	1
TOTAL		16

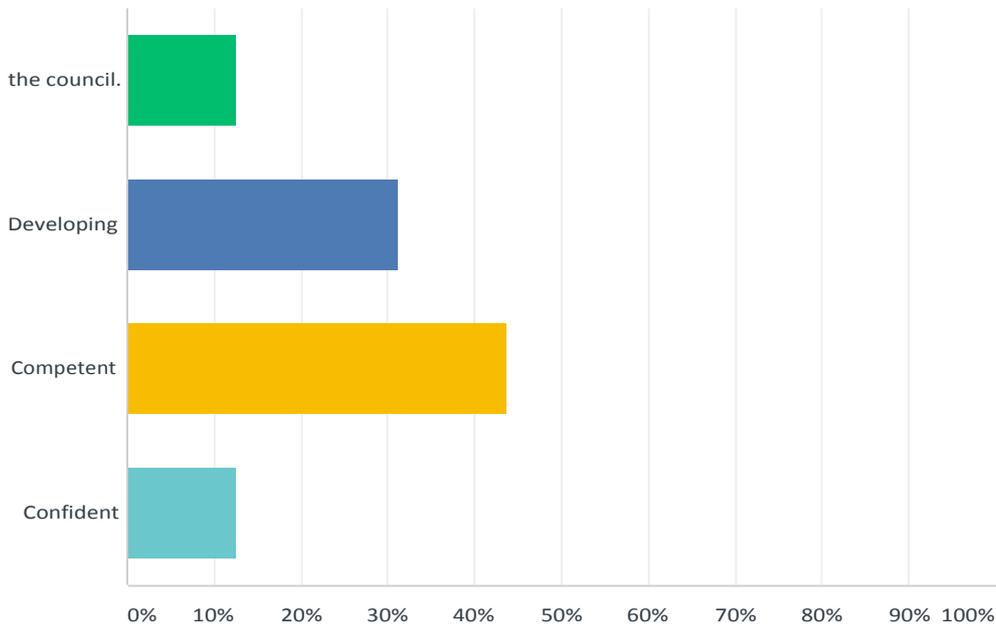
Q11 I am confident enough in my ability to help resolve conflict or stalemate effectively.



ANSWER CHOICES	RESPONSES	
Developing	40.00%	6
Competent	26.67%	4
Confident	33.33%	5
TOTAL		15

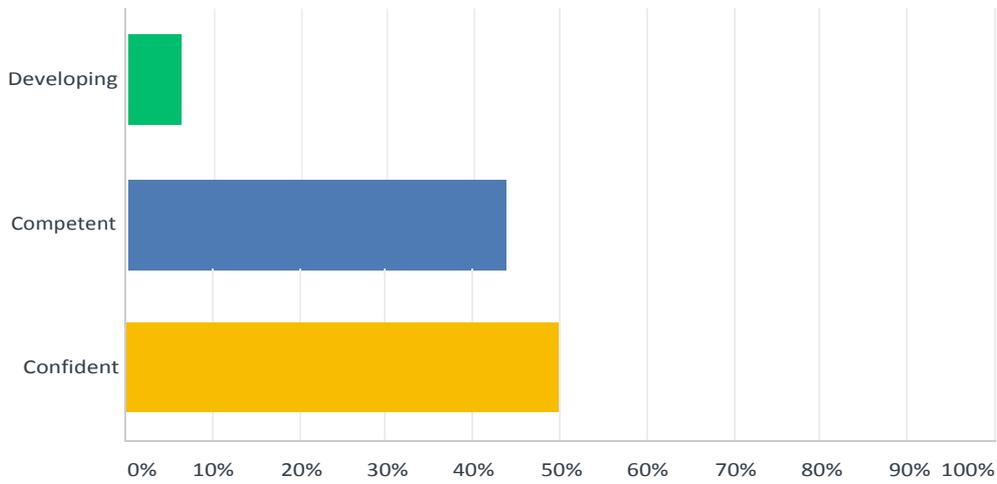
Political Understanding

Q12 I help to develop cohesion within and between different groups and between different groups and



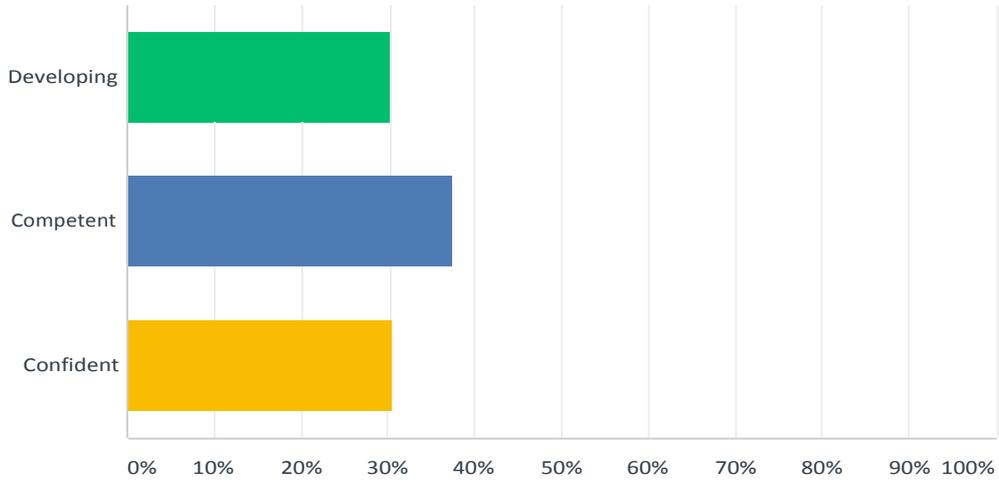
ANSWER CHOICES	RESPONSES	
the council.	12.50%	2
Developing	31.25%	5
Competent	43.75%	7
Confident	12.50%	2
TOTAL		16

Q13 I clearly communicate my political values through canvassing and campaigning.



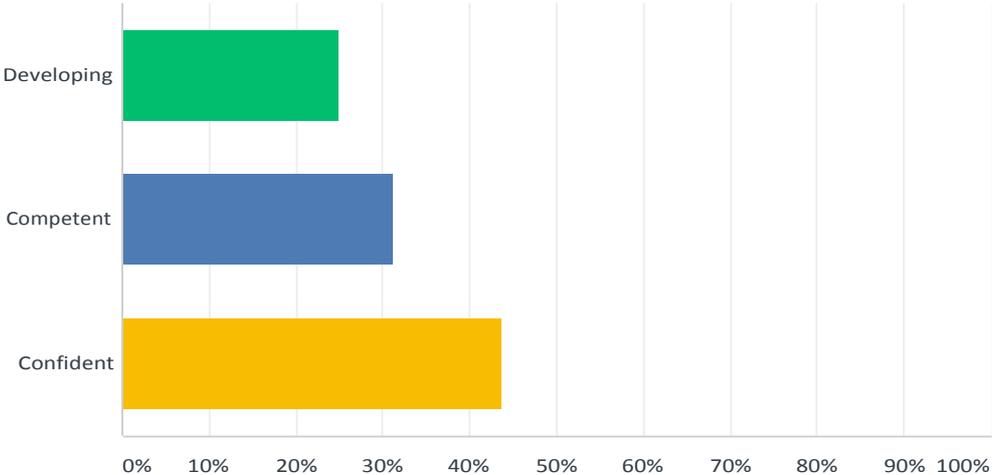
ANSWER CHOICES	RESPONSES	
Developing	6.25%	1
Competent	43.75%	7
Confident	50.00%	8
TOTAL		16

Q14 I look for ways to promote the democratic process and increase / encourage public engagement / interest.



ANSWER CHOICES	RESPONSES	
Developing	31.25%	5
Competent	37.50%	6
Confident	31.25%	5
TOTAL		16

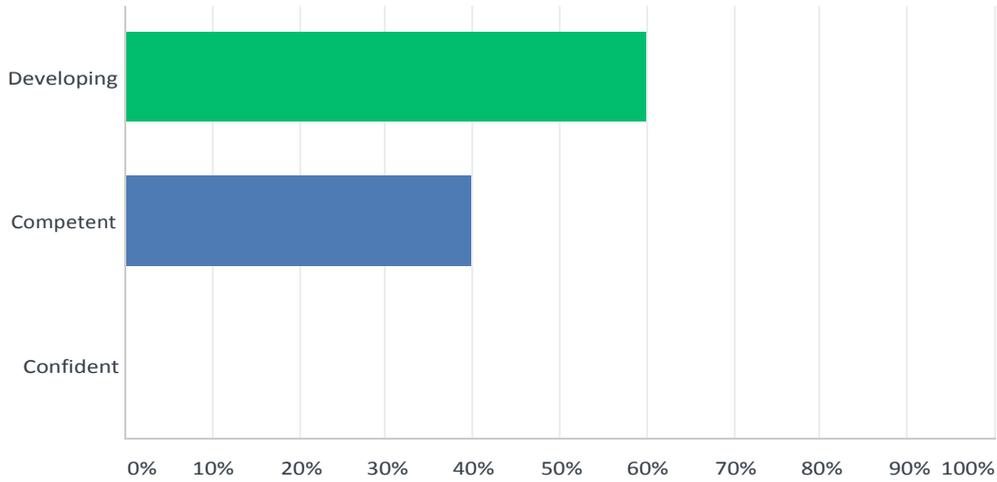
Q15 I am able to put party politics aside and work across political boundaries when required, without compromising political values.



ANSWER CHOICES	RESPONSES	
Developing	25.00%	4
Competent	31.25%	5
Confident	43.75%	7
TOTAL		16

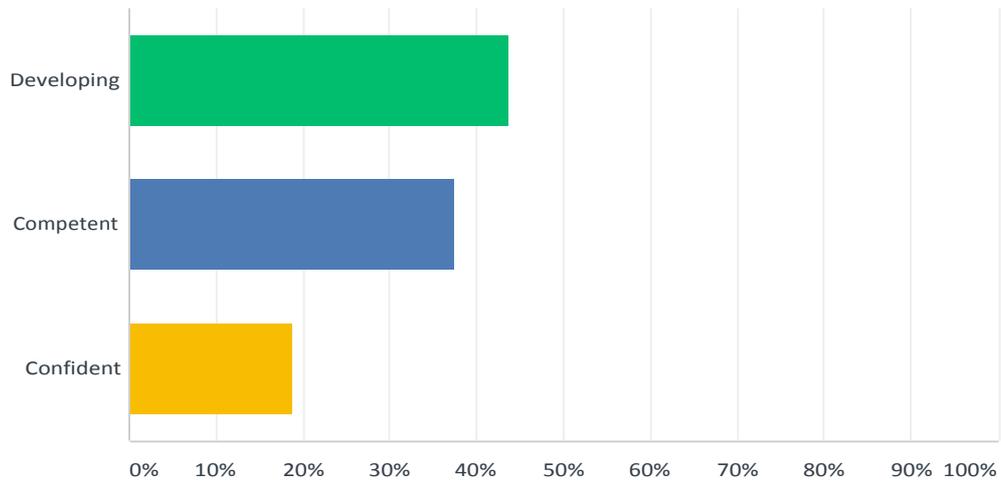
Scrutiny & Challenge

Q16 I identify areas which are suitable for scrutiny and ensure that residents are involved in the process.



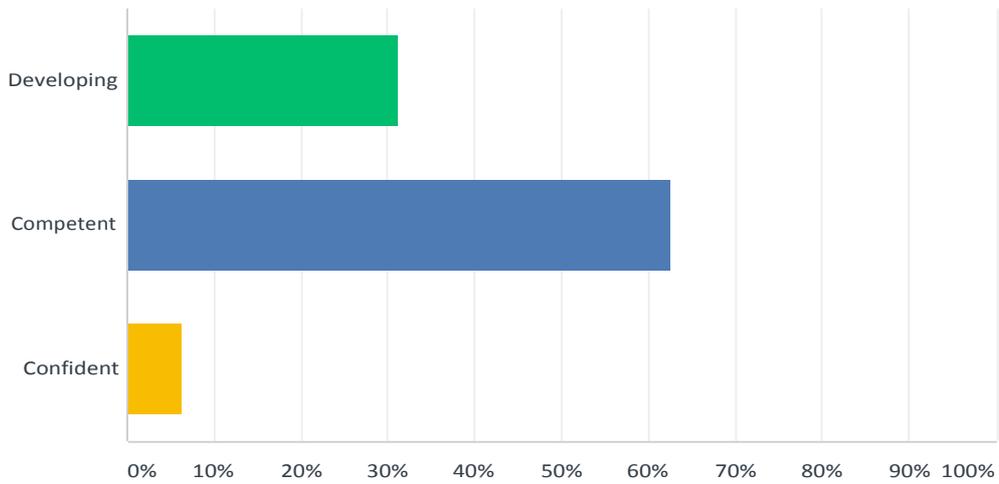
ANSWER CHOICES	RESPONSES	
Developing	60.00%	9
Competent	40.00%	6
Confident	0.00%	0
TOTAL		15

Q17 I am able to understand and analyse complex information.



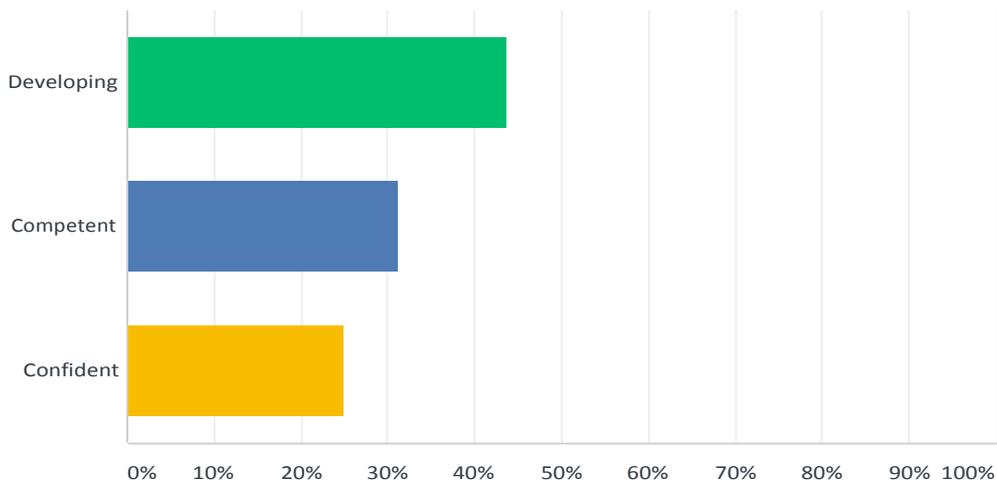
ANSWER CHOICES	RESPONSES	
Developing	43.75%	7
Competent	37.50%	6
Confident	18.75%	3
TOTAL		16

Q18 I present concise arguments that are meaningful and easily understood.



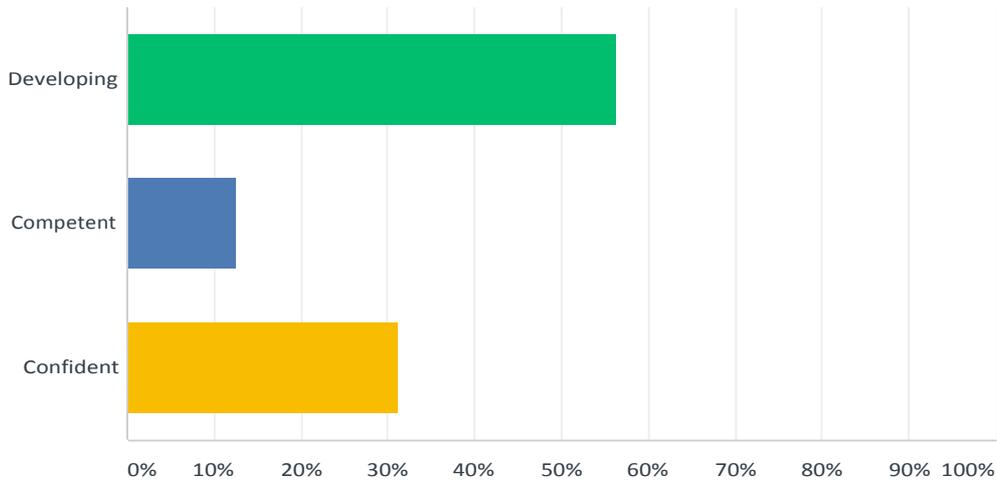
ANSWER CHOICES	RESPONSES	
Developing	31.25%	5
Competent	62.50%	10
Confident	6.25%	1
TOTAL		16

Q19 I understand the scrutiny process, ask for explanations and check that recommendations have been implemented.



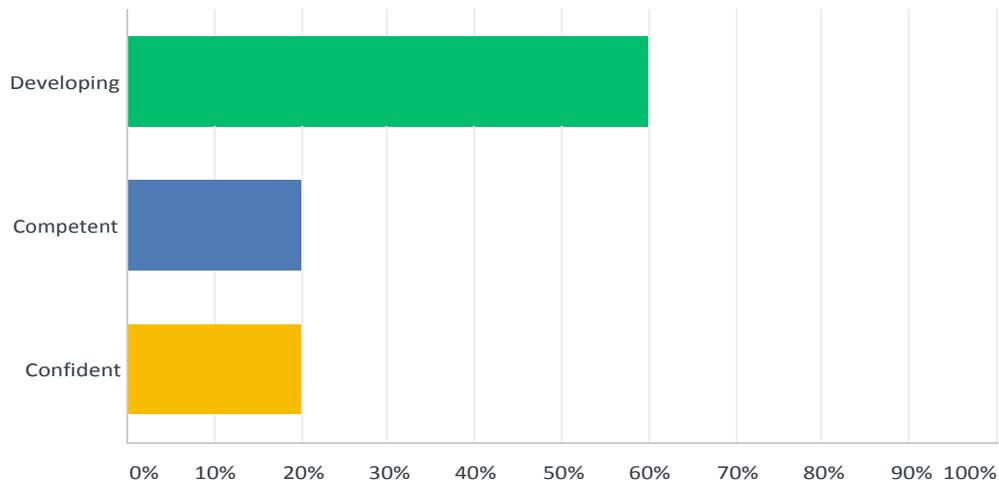
ANSWER CHOICES	RESPONSES	
Developing	43.75%	7
Competent	31.25%	5
Confident	25.00%	4
TOTAL		16

Q20 I am objective and thorough when challenging processes, decisions and people.



ANSWER CHOICES	RESPONSES	
Developing	56.25%	9
Competent	12.50%	2
Confident	31.25%	5
TOTAL		16

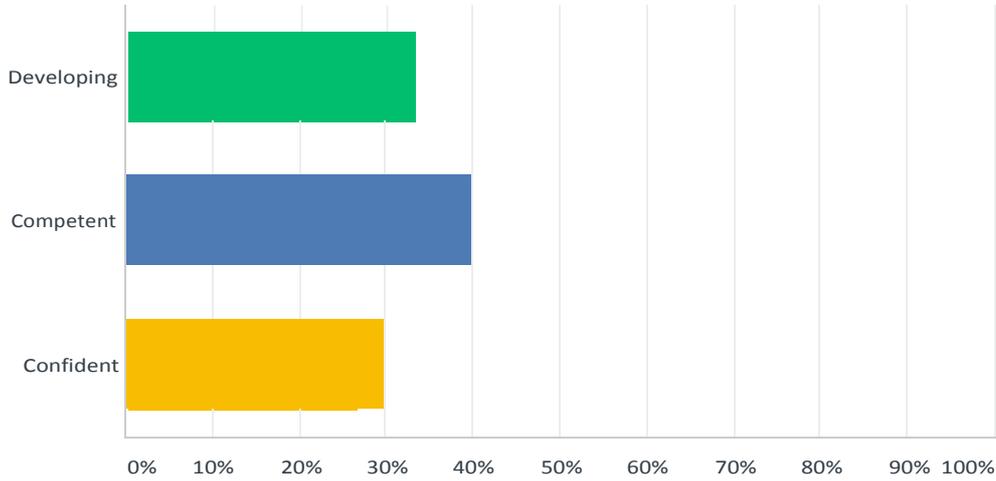
Q21 I ask challenging but constructive questions.



ANSWER CHOICES	RESPONSES	
Developing	60.00%	9
Competent	20.00%	3
Confident	20.00%	3
TOTAL		15

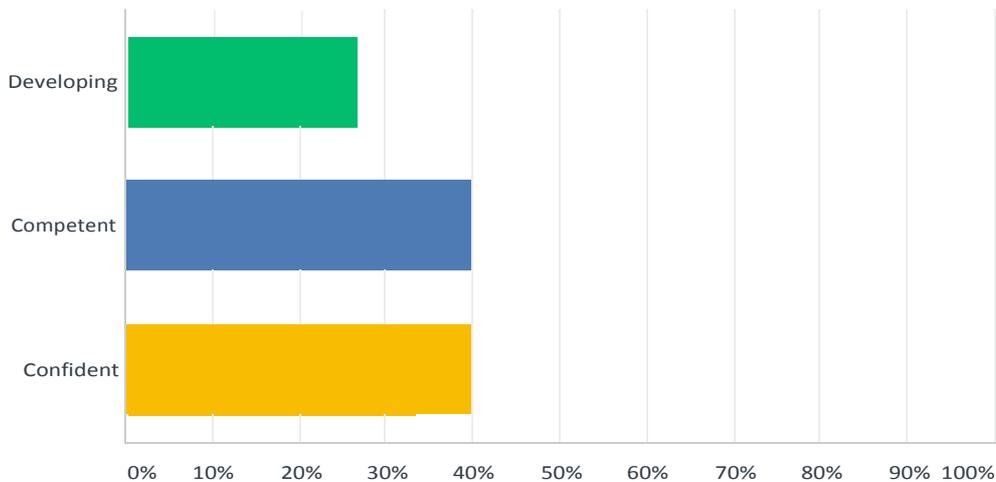
Regulating & Monitoring

Q22 I use evidence to evaluate arguments and make independent, impartial judgements.



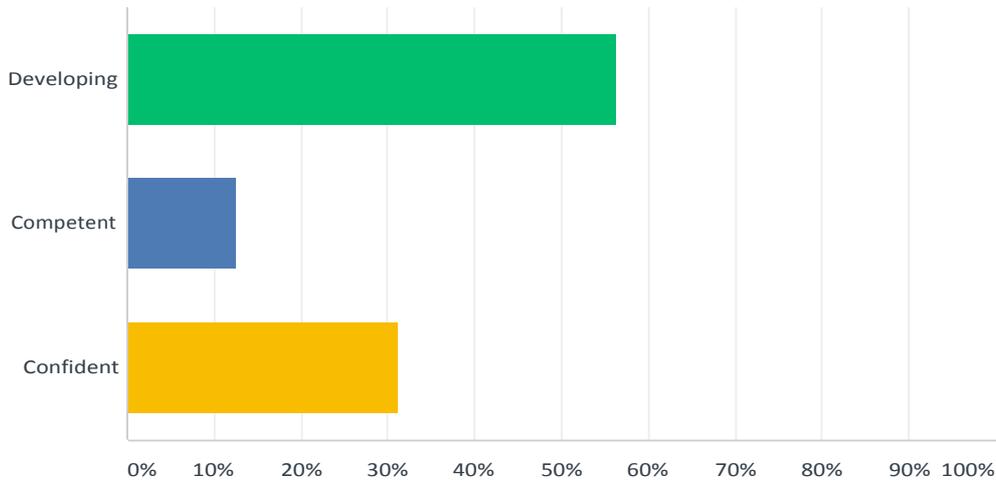
ANSWER CHOICES	RESPONSES	
Developing	33.33%	5
Competent	40.00%	6
Confident	26.67%	4
TOTAL		15

Q23 I understand and act in accordance with legal responsibilities and the Council’s Constitution (e.g. safeguarding, code of conduct).



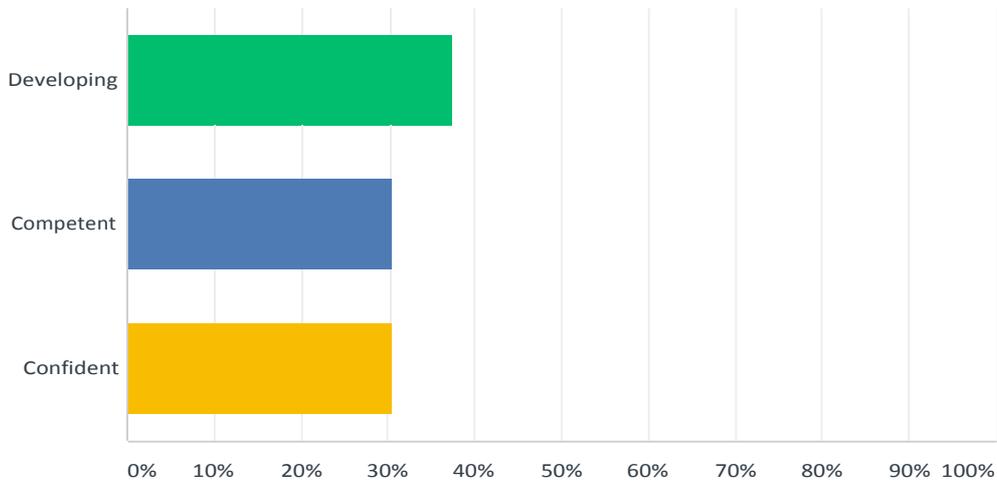
ANSWER CHOICES	RESPONSES	
Developing	26.67%	4
Competent	40.00%	6
Confident	33.33%	5
TOTAL		15

Q24 I chair meetings effectively, follow protocol to make sure all views are explored and keep process on track.



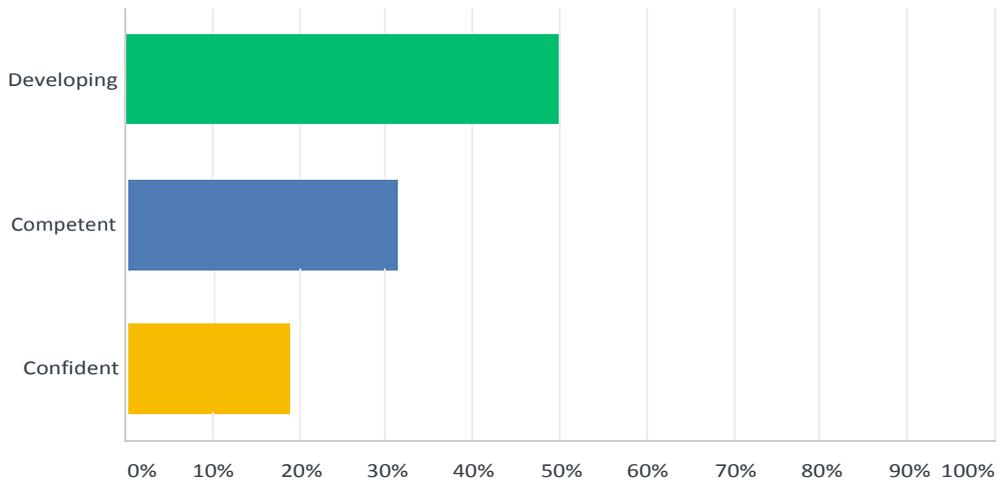
ANSWER CHOICES		RESPONSES	
Developing		56.25%	9
Competent		12.50%	2
Confident		31.25%	5
TOTAL			16

Q25 I follow legal processes, while also balancing public needs and local policy.



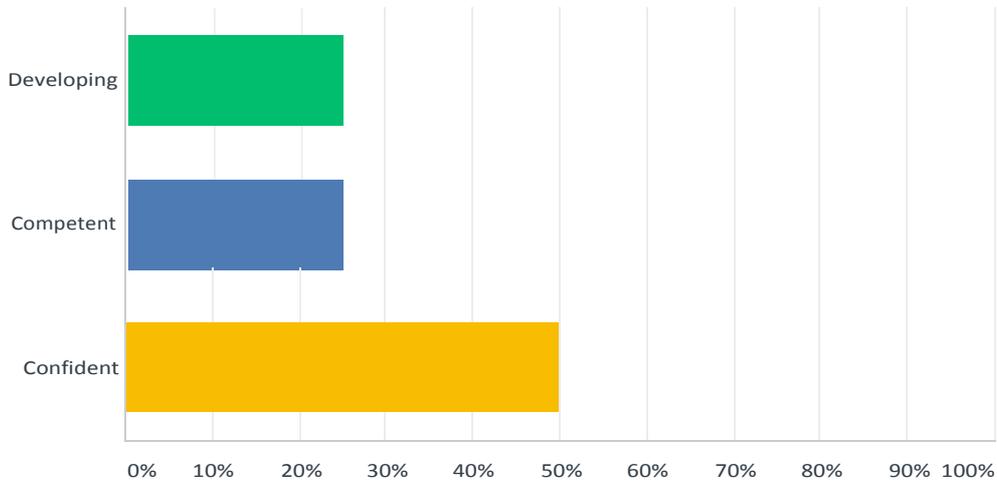
ANSWER CHOICES	RESPONSES	
Developing	37.50%	6
Competent	31.25%	5
Confident	31.25%	5
TOTAL		16

Q26 I monitor performance and intervene when necessary to ensure progress.



ANSWER CHOICES	RESPONSES	
Developing	50.00%	8
Competent	31.25%	5
Confident	18.75%	3
TOTAL		16

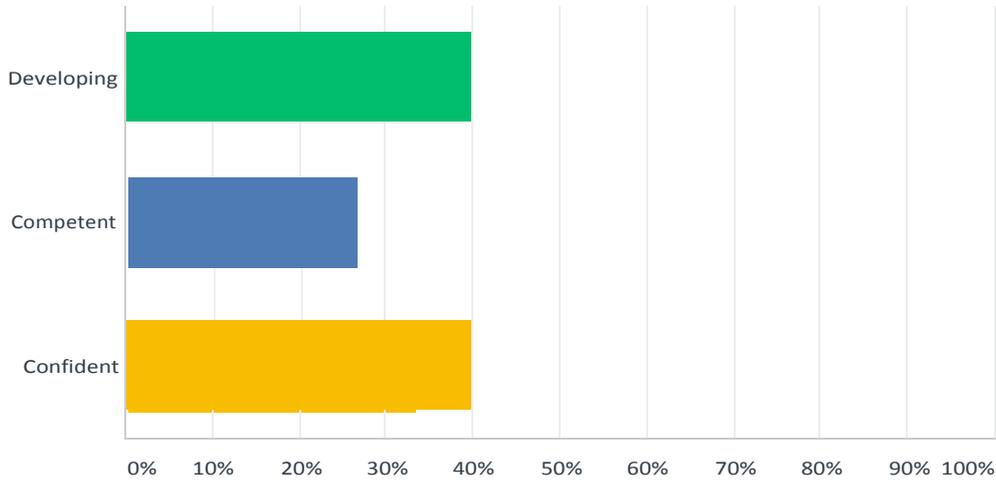
Q27 I am committed to my personal development and seek feedback and look for opportunities to learn.



ANSWER CHOICES	RESPONSES	
Developing	25.00%	4
Competent	25.00%	4
Confident	50.0	
TOTAL		16

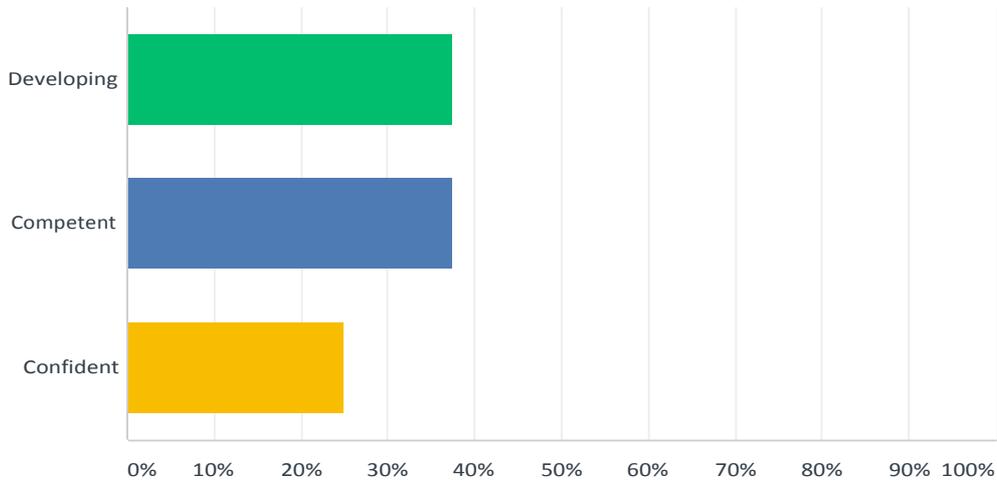
Communication Skills

Q28 I provide regular feedback to people by ensuring that they are kept informed and that goals remain realistic.



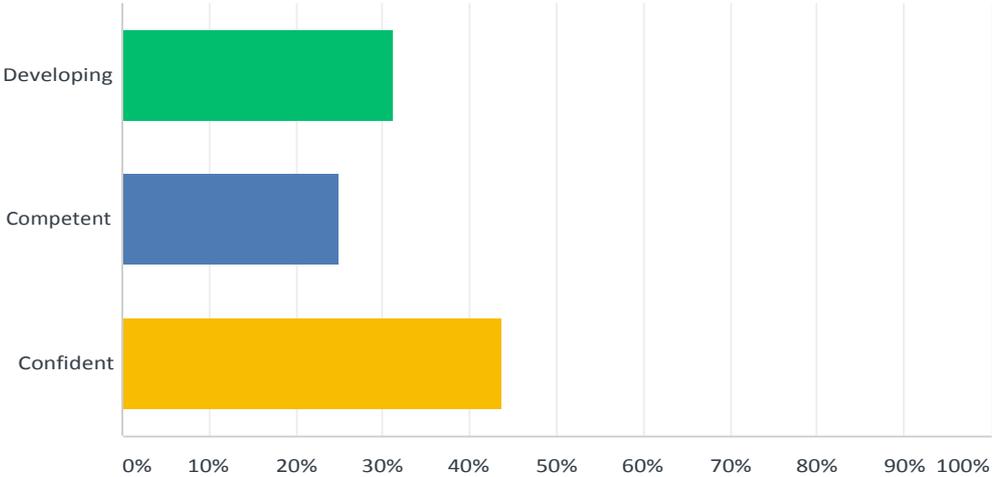
ANSWER CHOICES	RESPONSES	
Developing	40.00%	6
Competent	26.67%	4
Confident	33.33%	5
TOTAL		15

Q29 I regularly inform and communicate with the community using suitable media resources such as newsletters, social media, and email.



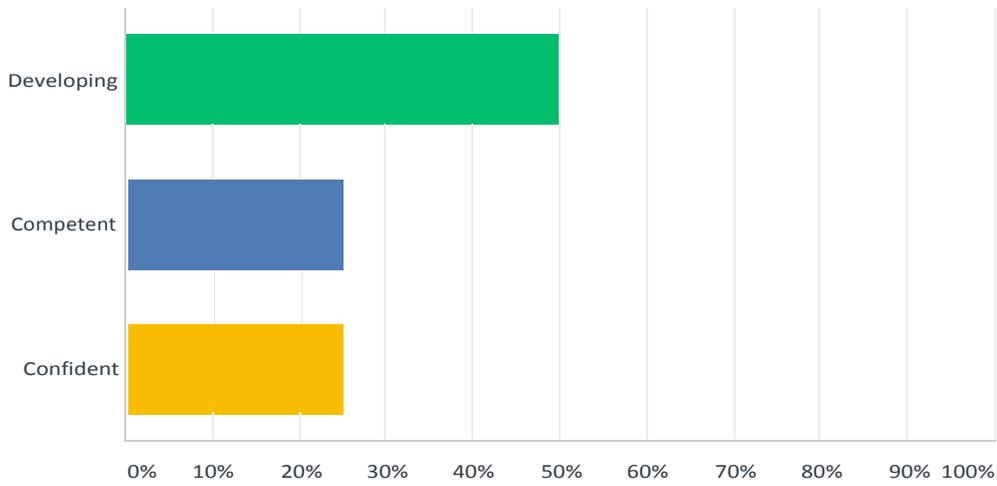
ANSWER CHOICES	RESPONSES	
Developing	37.50%	6
Competent	37.50%	6
Confident	25.00%	4
TOTAL		16

Q30 I listen to others, check to ensure I understand, and adapt my own communication style as required.



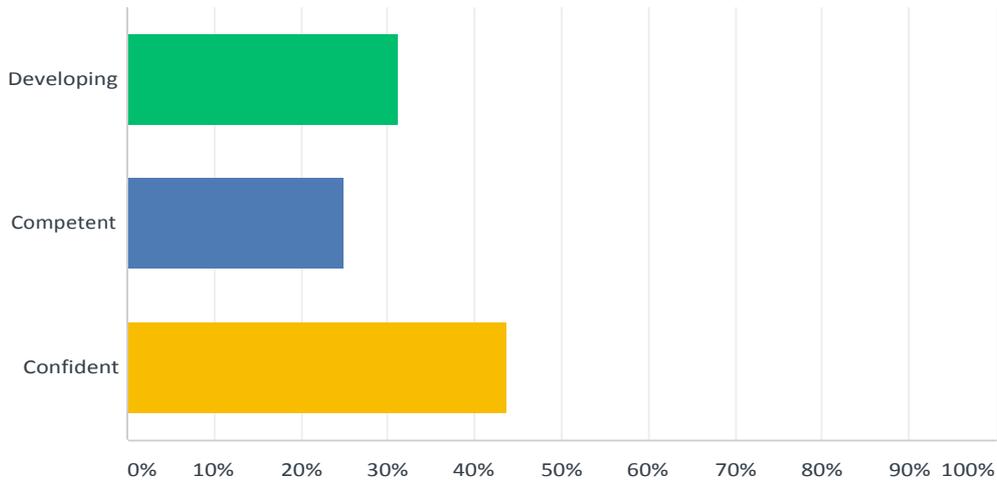
ANSWER CHOICES		RESPONSES	
Developing		31.25%	5
Competent		25.00%	4
Confident		43.75%	7
TOTAL			16

Q31 I create opportunities to communicate with different groups and people, including hard to reach groups. (gypsies and travellers, young people, vulnerable people, migrant workers, etc).



ANSWER CHOICES	RESPONSES	
Developing	50.00%	8
Competent	25.00%	4
Confident	25.00%	4
TOTAL		16

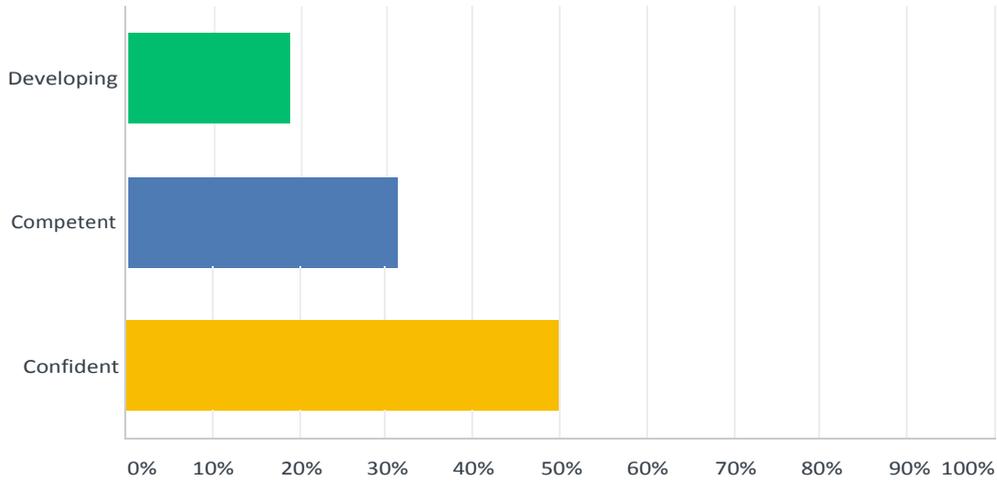
Q32 I feel confident with speaking publicly to both small and large groups of people such as residents, council meetings and the press.



ANSWER CHOICES	RESPONSES	
Developing	31.25%	5
Competent	25.00%	4
Confident	43.75%	7
TOTAL		16

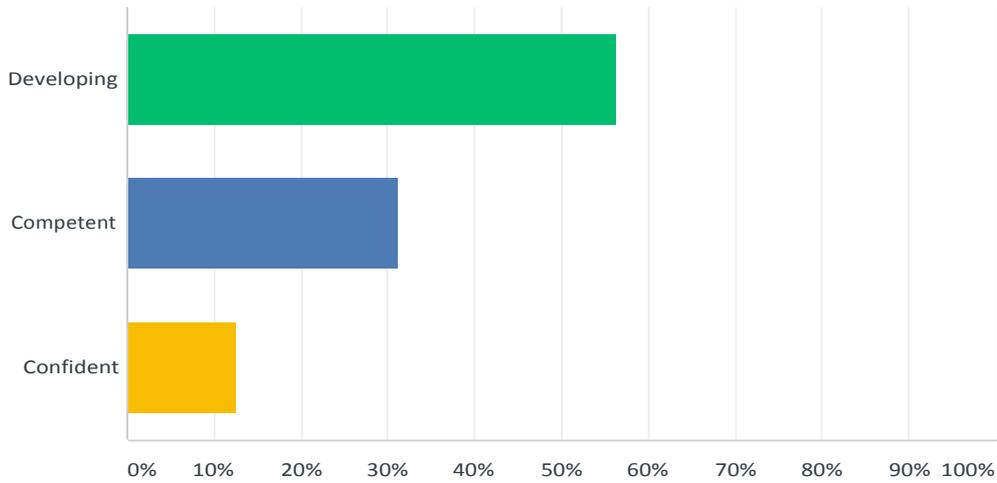
Executive Members or Aspiring Councillors Providing Vision

Q33 I communicate appropriately and clearly in verbal and written forms, and I avoid using jargon whenever possible.



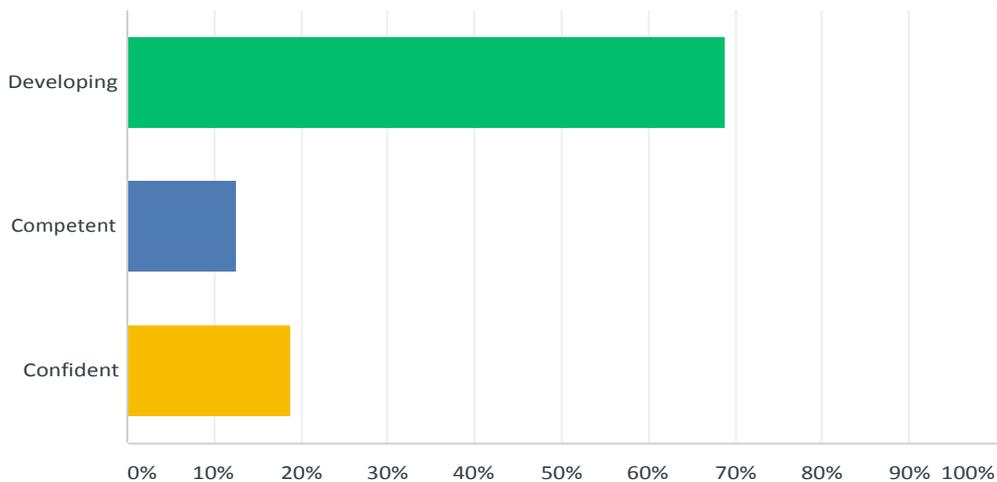
ANSWER CHOICES	RESPONSES	
Developing	18.75%	3
Competent	31.25%	5
Confident	50.00%	8
TOTAL		16

Q34 I establish strategic policies and prioritise actions on local needs, manifestos and regional opportunities.



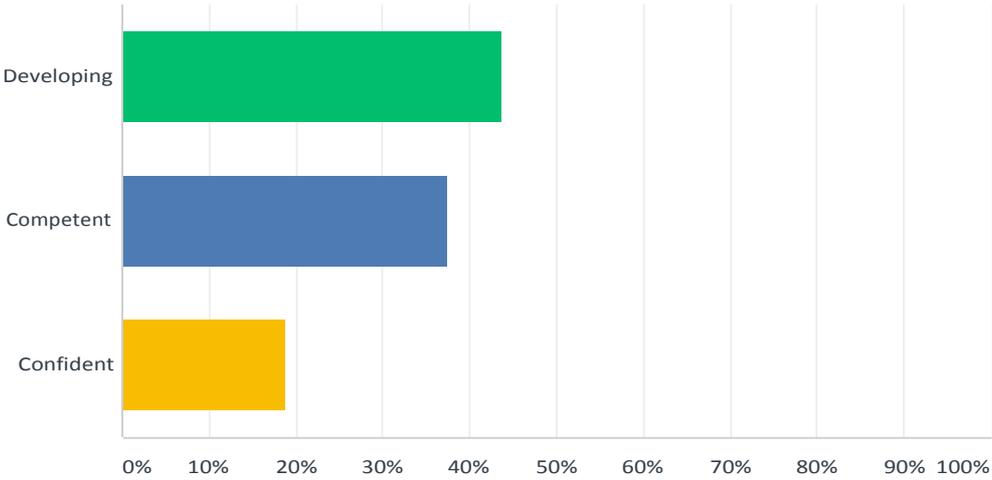
ANSWER CHOICES	RESPONSES	
Developing	56.25%	9
Competent	31.25%	5
Confident	12.50%	2
TOTAL		16

Q35 I work with officers to collate and analyse information, inform budget priorities and performance plans.



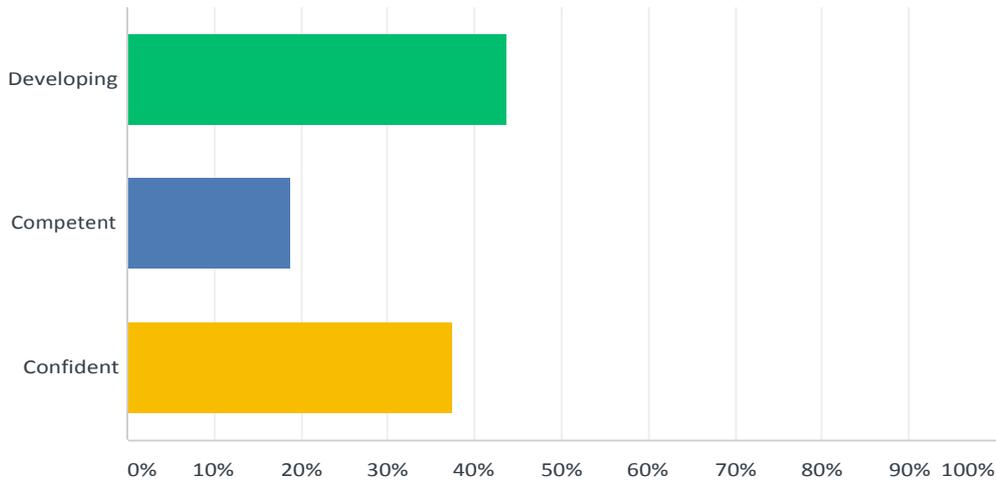
ANSWER CHOICES		RESPONSES	
Developing		68.75%	11
Competent		12.50%	2
Confident		18.75%	3
TOTAL			16

Q36 I actively encourage involvement of stakeholders in policy formation.



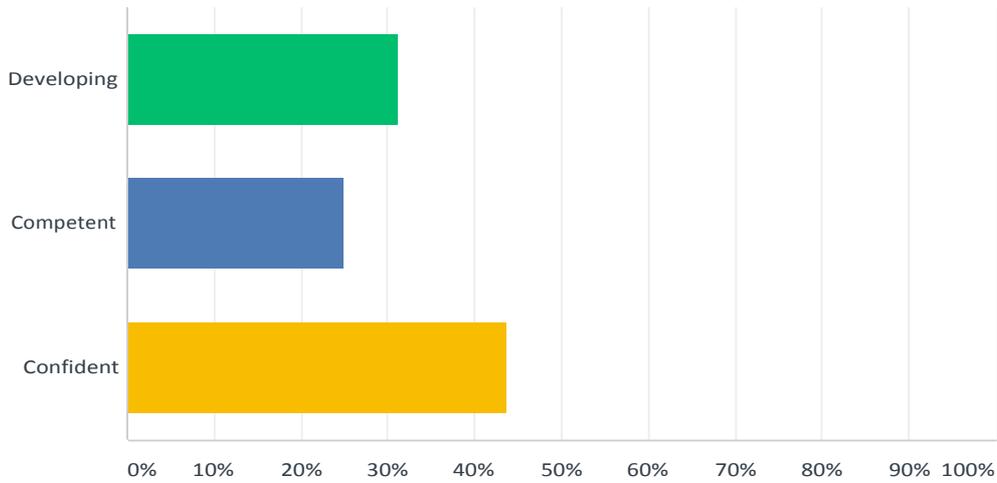
ANSWER CHOICES	RESPONSES	
Developing	43.75%	7
Competent	37.50%	6
Confident	18.75%	3
TOTAL		16

Q37 I create and communicate a shared council vision, providing clear direction and promoting understanding.



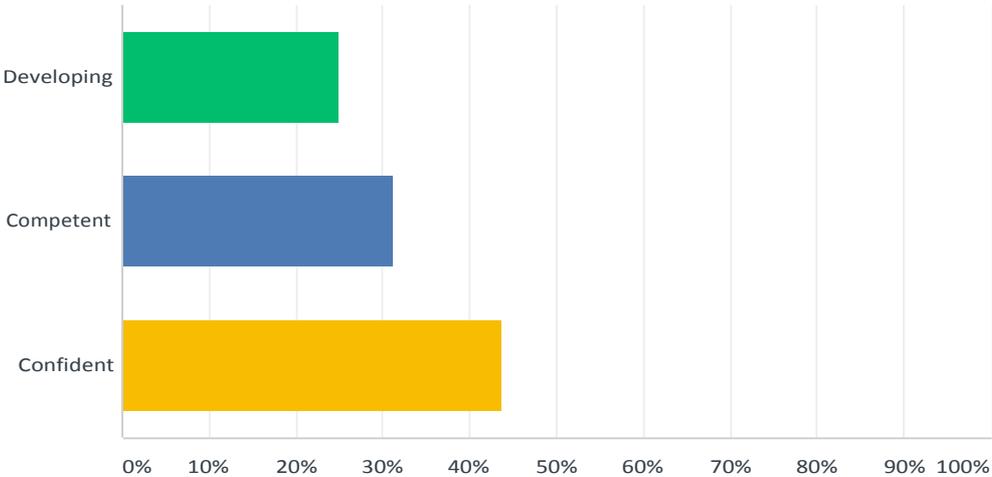
ANSWER CHOICES	RESPONSES	
Developing	43.75%	7
Competent	18.75%	3
Confident	37.50%	6
TOTAL		16

Q38 I adapt innovatively to a changing environment (e.g. e- government), open to new ideas.



ANSWER CHOICES	RESPONSES	
Developing	31.25%	5
Competent	25.00%	4
Confident	43.75%	7
TOTAL		16

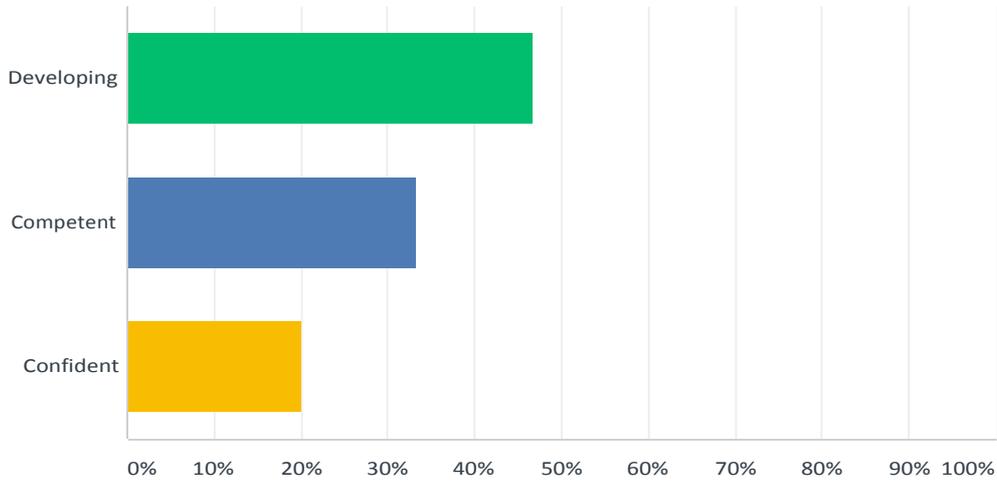
Q39 I act to broaden perspective and enhance effectiveness by learning from others and sharing best practice (e.g. other councils, agencies or bodies).



ANSWER CHOICES	RESPONSES	
Developing	25.00%	4
Competent	31.25%	5
Confident	43.75%	7
TOTAL		16

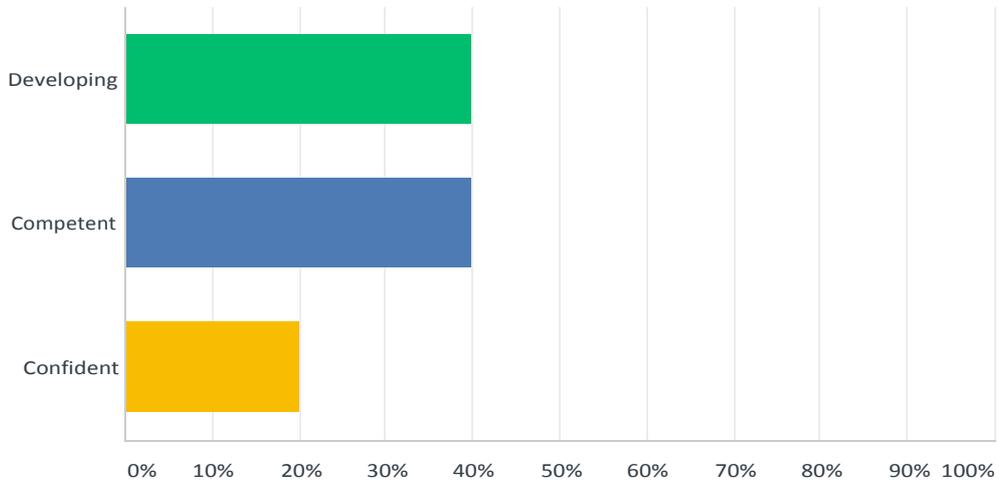
Managing Performance

Q40 I work closely with senior officers to develop, agree and implement portfolio strategies.



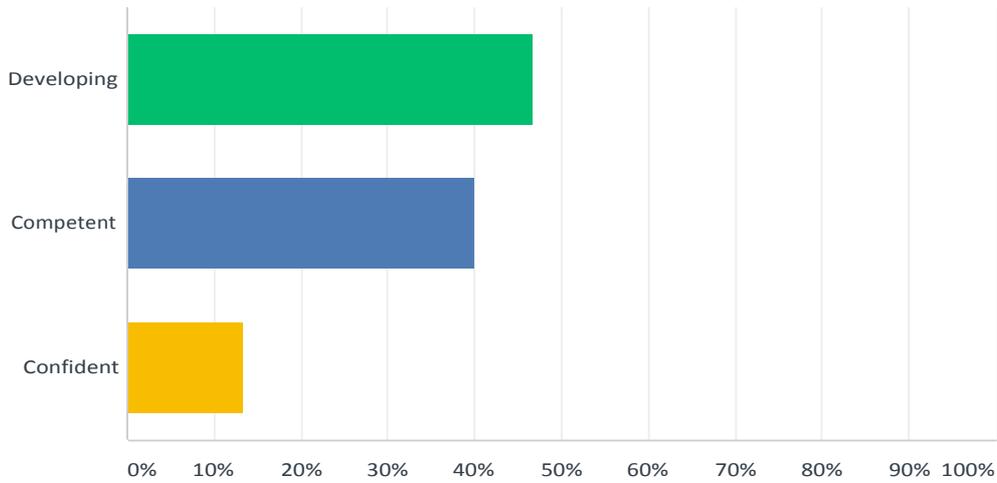
ANSWER CHOICES	RESPONSES	
Developing	46.67%	7
Competent	33.33%	5
Confident	20.00%	3
TOTAL		15

Q41 I set and communicate realistic and achievable objectives, monitor performance and act to address deficits.



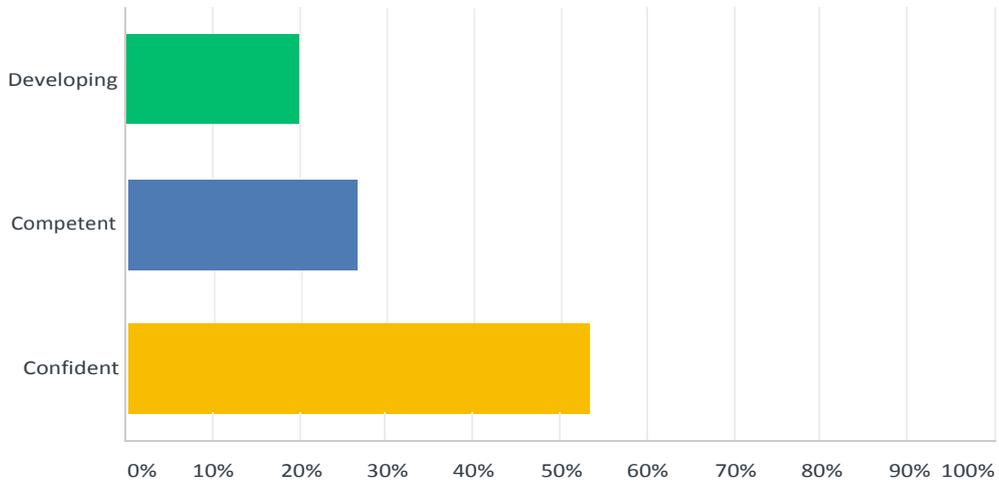
ANSWER CHOICES	RESPONSES	
Developing	40.00%	6
Competent	40.00%	6
Confident	20.00%	3
TOTAL		15

Q42 I develop knowledge of council systems and input council views at area specific meetings (e.g. planning, licensing).



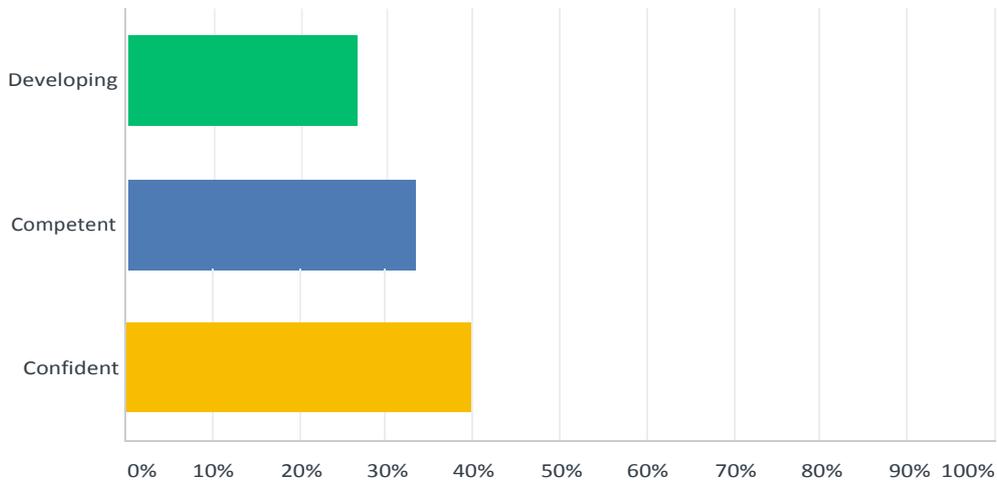
ANSWER CHOICES	RESPONSES	
Developing	46.67%	7
Competent	40.00%	6
Confident	13.33%	2
TOTAL		15

Q43 I emphasise a team approach and share responsibility for success and failure.



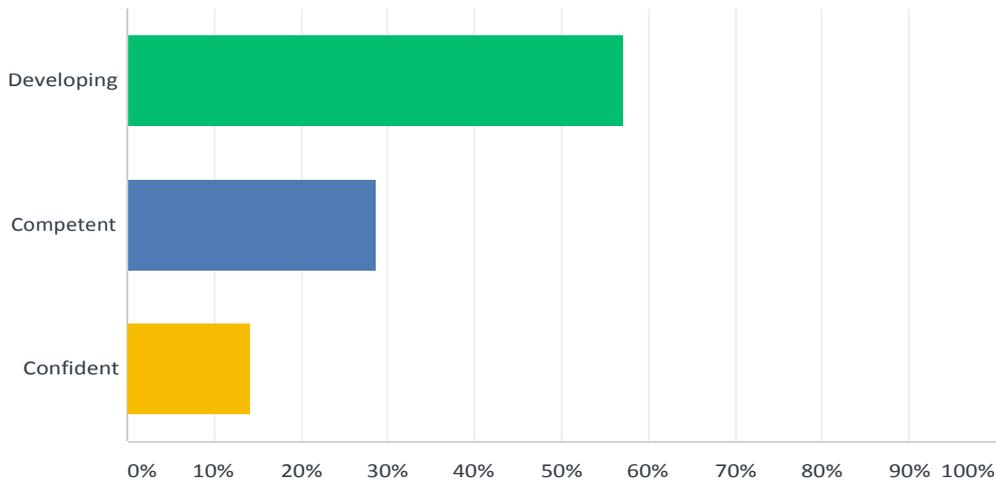
ANSWER CHOICES	RESPONSES	
Developing	20.00%	3
Competent	26.67%	4
Confident	53.33%	8
TOTAL		15

Q44 I encourage scrutiny and respond positively to feedback, challenge and ideas.



ANSWER CHOICES	RESPONSES	
Developing	26.67%	4
Competent	33.33%	5
Confident	40.00%	6
TOTAL		15

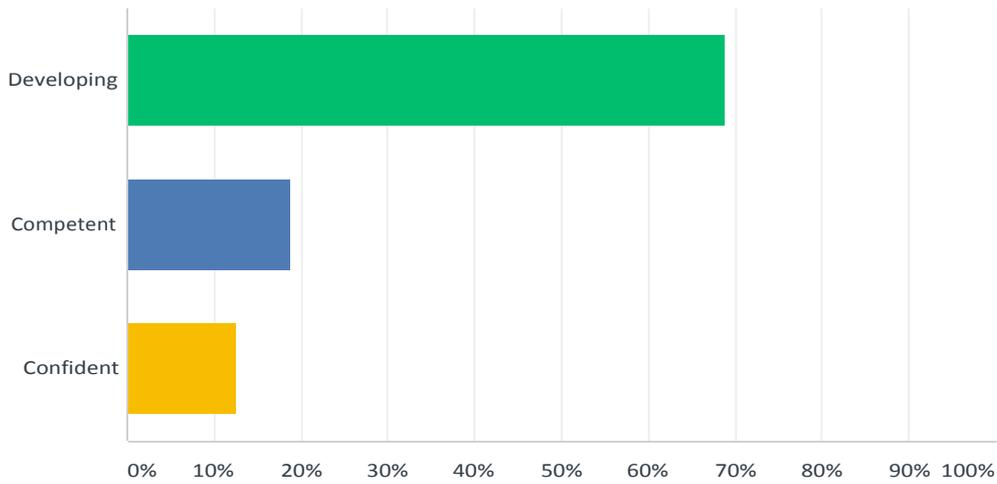
Q45 I represent the electorate and council at a strategic level through links and partnerships at local, regional and national levels.



ANSWER CHOICES	RESPONSES	
Developing	57.14%	8
Competent	28.57%	4
Confident	14.29%	2
TOTAL		14

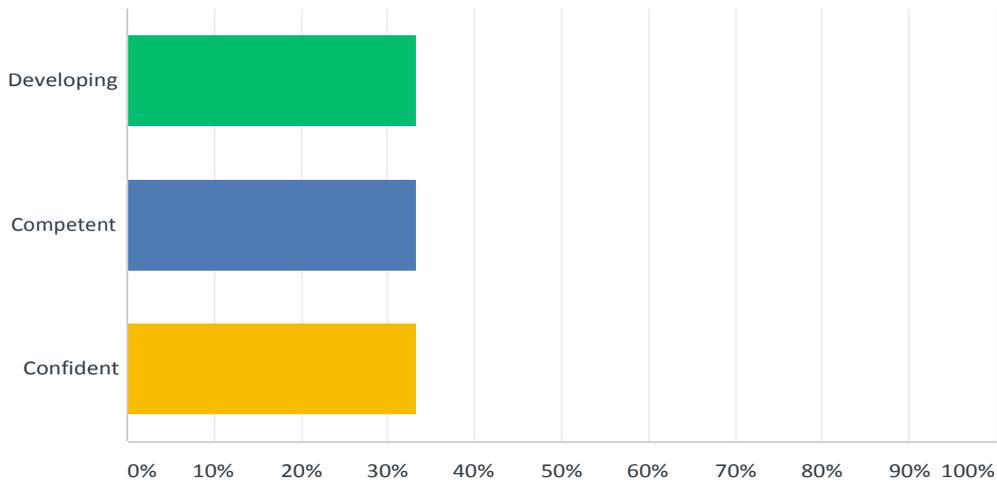
Excellence in Leadership

Q46 I provide visionary and charismatic leadership, inspire trust in others and gain commitment to policies and decisions.



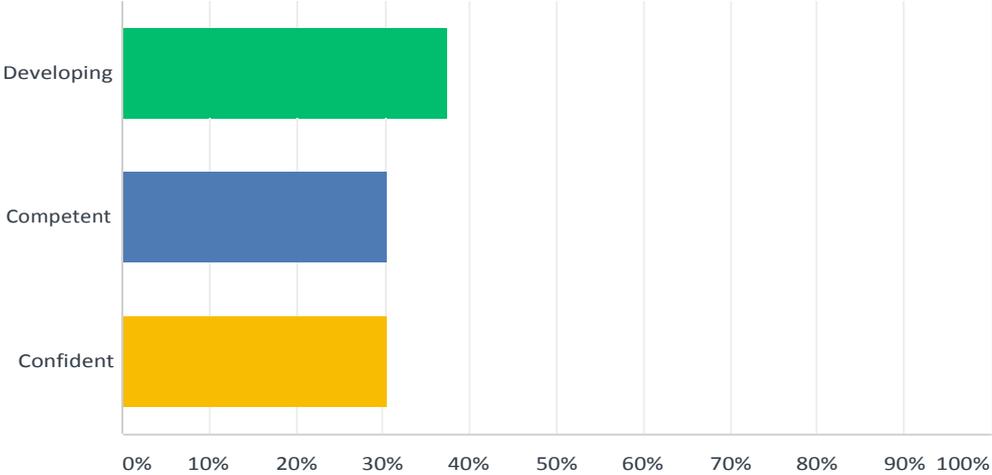
ANSWER CHOICES	RESPONSES	
Developing	68.75%	11
Competent	18.75%	3
Confident	12.50%	2
TOTAL		16

Q47 I shape a culture of excellence and act as a role for appropriate behaviour, ethical practice and democratic process.



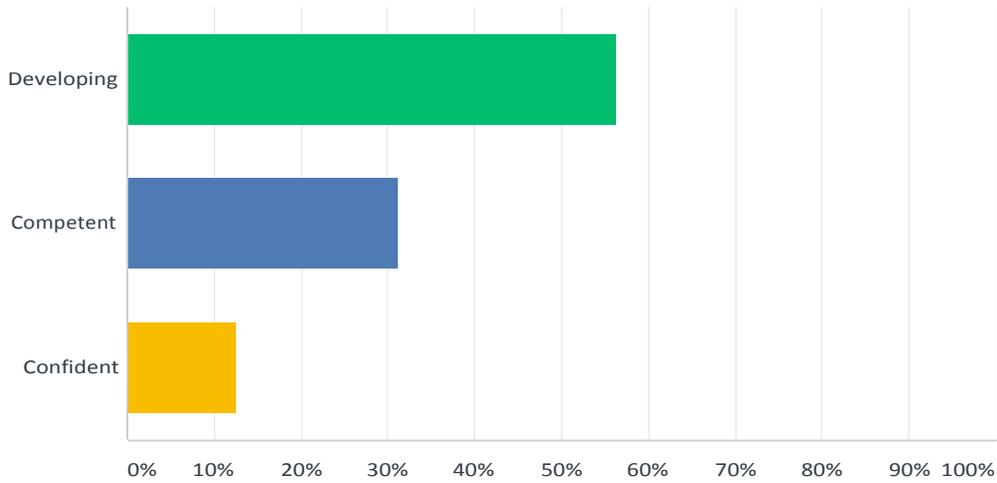
ANSWER CHOICES	RESPONSES	
Developing	33.33%	5
Competent	33.33%	5
Confident	33.33%	5
TOTAL		15

Q48 I build strong relationships with senior officers and cabinet based on open communication, co-operative working and trust.



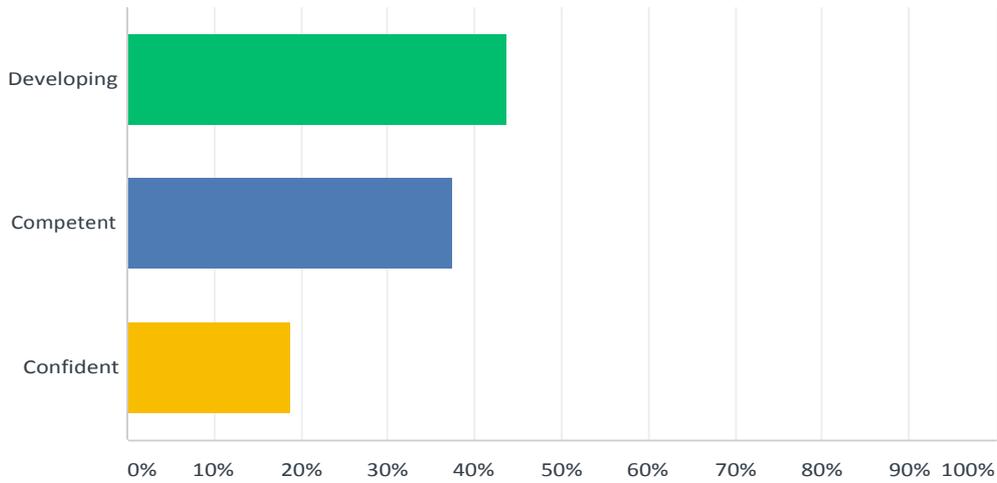
ANSWER CHOICES	RESPONSES	
Developing	37.50%	6
Competent	31.25%	5
Confident	31.25%	5
TOTAL		16

Q49 I act as the public face of the council and champion council needs in regional and national debates.



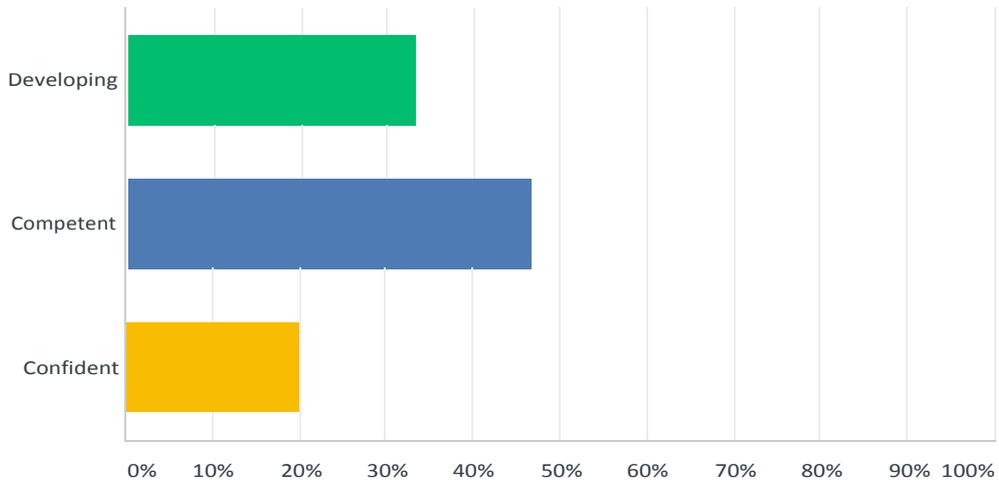
ANSWER CHOICES	RESPONSES	
Developing	56.25%	9
Competent	31.25%	5
Confident	12.50%	2
TOTAL		16

Q50 I work across political and council boundaries to foster communication and encourage co-operation.



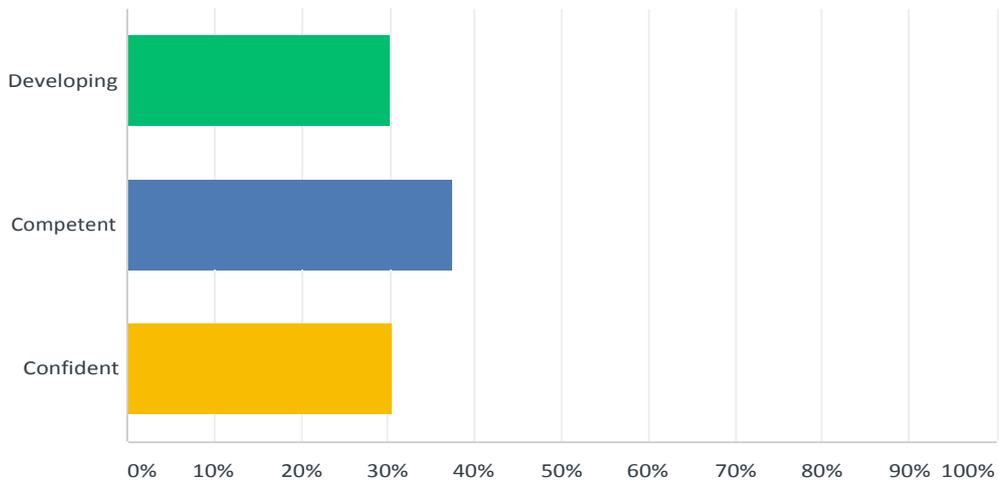
ANSWER CHOICES	RESPONSES	
Developing	43.75%	7
Competent	37.50%	6
Confident	18.75%	3
TOTAL		16

Q51 I judge what to get involved in and when to say "no", prepared and able to troubleshoot.



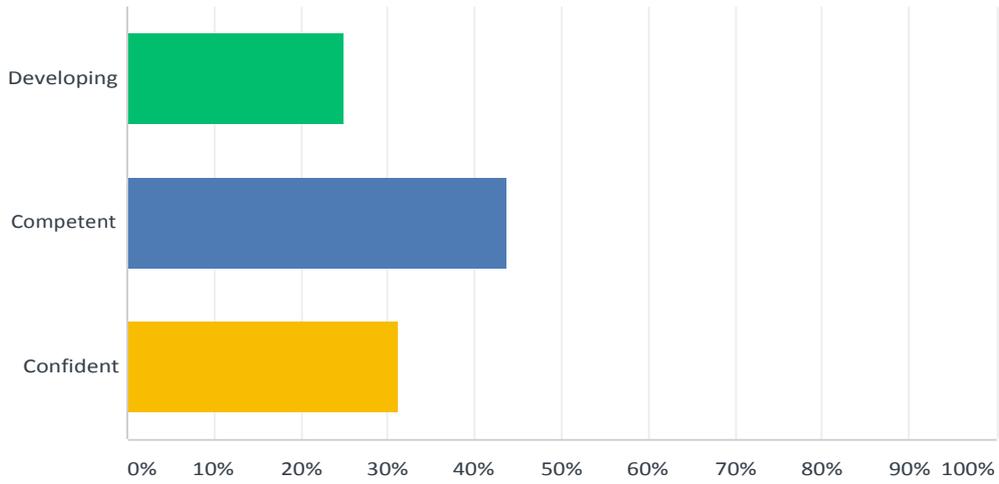
ANSWER CHOICES	RESPONSES	
Developing	33.33%	5
Competent	46.67%	7
Confident	20.00%	3
TOTAL		15

Q52 I develop others and share best practice, committed to learning.



ANSWER CHOICES	RESPONSES	
Developing	31.25%	5
Competent	37.50%	6
Confident	31.25%	5
TOTAL		16

Q53 I effectively 'juggle' numerous, potentially conflicting, responsibilities.



ANSWER CHOICES	RESPONSES	
Developing	25.00%	4
Competent	43.75%	7
Confident	31.25%	5
TOTAL		16

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London Charter Plus for Elected Member Development

Brent Council

Assessment Date: 10 December 2018



Brent Council

London Charter Plus for Elected Member Development

Assessment Date: 10 December 2018

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Recommendation of the Assessment Team

Brent Council has achieved and continues to meet the Charter Plus standard of the London Charter for Elected Member Development. The council has been awarded Charter Plus status for three years from 10 December 2018. The council has also committed to a process of continuous improvement over the next three years.

The council will be required to present evidence of continuing progress as part of the direction of travel in eighteen months' time and will be re-assessed in full against the Charter Plus standard in three years.

Assessment team

- Councillor Andy Hull, London Borough of Islington
- Mark Palmer, Development Director, South East Employers

Charter standards

- Commitment to councillor development and support
- The Council has a strategic approach to councillor development
- Learning and development is effective in building capacity

Assessment

The assessment against the Charter Plus standard took place on 10 December 2018. The purpose of the assessment visit was to determine whether the council continues to meet the standard of the London Charter Plus for Member Development.

The assessment was based on an analysis of a portfolio of evidence submitted in advance by the council, plus a number of interviews with key councillors, officers and partner organisations. The evidence presented in the portfolio was drawn from a wide range of sources and gave a good overview of the council's member development activities. The self-assessment was linked to the three Charter criteria, with each section having some introductory text to set the context, before highlighting specific examples of where different elements of the Charter Plus standard were met.

The assessment team was more than satisfied that the comprehensive portfolio both met and, in many areas, exceeded the Charter Plus criteria. The assessment sought examples of how the information provided could be validated and brought to life through a number of interviews.

During the assessment visit, interviews were held with the following:

◆ Councillors

- Councillor Ihtesham Afzal, Councillor Workshop
- Councillor Amer Agha, Councillor Workshop
- Councillor Muhammed Butt, Leader of the Council & Member Development Steering Group Chair
- Councillor Reg Colwill, Conservative Group Leader, Member Development Steering Group
- Councillor Tariq Dar, Councillor Workshop
- Councillor Faduma Hassan, Member Development Steering Group
- Councillor Sandra Kabir, Labour Group Chief Whip & Member Development Steering Group
- Councillor Robert Johnson, Councillor Workshop
- Councillor Margaret McLennan, Deputy Leader of the Council
- Councillor Shama Tatler, Councillor Workshop

◆ Officers

- Carolyn Downs, Chief Executive
- Peter Gadsdon, Director, Performance Policy and Partnerships
- Tom Cattermole, Head of Executive & Member Services
- Michelle Sylva, Member Support Officer
- Regina McDonald, Executive Support Manager

◆ **Partner Organisations**

- Jacqueline Carr, Chief Executive, Citizens Advice Brent
- Atara Fridler, Chief Executive, Crisis Brent skylight Director
- Dr Melanie Smith, Director of Public Health

Arrangements for the assessment day were good and the assessment visit was well structured, enabling the assessment team to acquire the information needed for the assessment to be thorough and representative. Everyone interviewed demonstrated a clear commitment to elected member development and were open in the sharing of information. All councillors interviewed as part of the assessment process spoke of how much they recognised and valued the dedicated support available to them.

Background

Brent Council originally achieved Charter recognition in October 2010. The council was re-accredited on 8 January 2014 and became the *first* council in London to achieve Charter Plus accreditation on 10 September 2015. The council then committed to a process of continuous improvement over the next three years.

Evidence presented and demonstrated to support the application

▪ Commitment to councillor development and support

The assessment team was pleased to see that there continued to be very strong political and organisational support for member development. During the 2015 assessment the level of councillor support for member development was acknowledged as a key strength and the assessment team were now of the view that this commitment had further increased and there was a genuine culture of member development that was led from the top by the Leader and had the buy in of most councillors.

At the elections in May/June 2018, eighteen of the members of the council were newly elected and member development led by the Steering Group was effectively prioritised. This included a comprehensive induction programme was put in place that recognised the demands placed on councillors. The introduction of a mentoring and peer support programme within the Labour Group and a programme of Be A Councillor events drawing on LGA best practice.

Supporting and promoting local democracy had a high profile including a programme of events during Local Democracy Week, an active Brent Youth Parliament and a takeover day to support young people's discussions with councillors and officers.

The Council has a sustainable budget for member development of £17,000 that is monitored, and its use is prioritised by the Member Development Steering Group. The Council Leader acknowledged that because of the importance of member development further financial support for member development was available should a business case be presented and supported by the Member Development Steering Group.

The Member Development Steering Group has a high-profile comprising political group leaders, the chief whip and newly elected councillors and ensures that member development is genuinely member led.

Comments that we heard:

“The Leader plays a key role in driving member development.”

“Our continued success as a Council is dependent on having councillors with the skills and expertise to carry out their role”

“The Member Development Steering Group is highly valued in leading our successful approach to member development”

“As a new councillor I have had a high level of support, all my development needs have been prioritised and met”

“The group mentoring programme has been extremely beneficial for newly elected councillors”

▪ Strategic approach to councillor development

The council had a strategic approach to member development led by the Member Development steering Group and supported by key officers within the Executive and Member Services Team. The assessment team was informed that the strategic approach commenced from the Be A Councillor programme and was further built upon by the structured induction programme for new councillors that was also attended by virtually all Councillors. Councillor support was further embedded through the provision of excellent ICT support and the provision of iPads and iPhones for all councillors.

The council had a revised member development Strategy and Vision Statement in place developed by the Member Development Steering Group and complimenting the Brent Borough Plan.

Following the May/June 2018 elections (June- August) the council provided all members with the opportunity to undertake a Personal Development Plan as a part of a comprehensive Members Needs Analysis. Twenty- Seven members participated in the Members Needs Analysis including fourteen of the seventeen newly elected councillors. The Member Needs Analysis included a one to one discussion leading to the development of a Personal Development Plan and the opportunity for self- assessment against the LGA Political Skills Framework. The Member Needs Analysis also shaped the member learning and development programme led by the Steering Group.

The council has developed role profiles for each key role and these have been updated to reflect the changing role and expectations of the councillor role.

The council has a structured approach to leadership development and a positive approach to cabinet succession planning with several of the 2014 intake of councillors accelerated to Lead Member portfolios as part of an expanded cabinet. The commitment to leadership development has given all new cabinet

members the opportunity to participate on the LGA Leadership Academy and LGA leadership modules. The cabinet is further supported through a cabinet mentor programme and a commitment to CMT and Cabinet away days.

The representatives from the key partner organisations informed the assessment team that the collaboration between councillors and partners was excellent and there was a genuine sense of real partnership working. Partners had been engaged in several Scrutiny reviews particularly in the area of housing and issues of public health e.g. childhood obesity. The partner organisations were of the view that the development support provided had been pivotal in ensuring councillors had the skills and knowledge to support collaborative working and to ensure genuine scrutiny and accountability.

Comments that we heard:

“The PDP process has been instrumental in capturing the skills and development needs of new members.”

“The commitment to PDP’s has been pivotal in embedding the culture of member development.”

“Leadership development is more co-ordinated and has supported the successful approach to succession planning.”

“As a key partner we have an excellent relationship with councillors that has improved with each passing year”

▪ **Learning and development is effective in building capacity**

Member development has been pivotal in providing councillors with the skills to deliver the corporate and strategic priorities of the council and member development has supported performance improvement and led to more effective scrutiny and accountability both internally and externally.

The council has continued to develop and improve the approach to evaluation and continuous improvement although both members and officers recognised that more focus needed to be placed on evaluating the impact of member development in terms of benefit for the Council, Councillor and Community. The council had recently participated in an in-depth case study supported by South East Employers that did identify the benefits of the investment in member development.

The council is currently developing an IOS App to support improved evaluation immediately after an event and to get more effective real time feedback on the benefits and application of learning.

The assessment team was of the view that the Member Development Steering Group should give greater focus to the evaluation and identifying and promoting the benefits of member development.

There are effective processes in place for disseminating, sharing and exchanging knowledge and learning. This includes the Members Informal Bulletin, promoting LGA Political Leadership events and events commissioned by the LGIU. Councillors with specific responsibilities are supported by the Chief Whip and Member Services Officers to identify development opportunities that will support them in their role.

The council through the Member Development Steering Group has a commitment to identifying and implementing improvements to learning and development activities. This has included the Steering Group taking forward and beginning to implement the recommendations identified as part of the Member Development Needs Analysis (September 2018) and revising the Member Learning and Development Strategy /Vision Statement to ensure that it is forward looking and fit for purpose.

Comments that we heard:

“We are committed to continuous improvement in respect of member development.”

“Evaluation of the impact of member development is difficult and it is something that the Steering Group needs to focus on next year (2019).”

“We actively sign post members to appropriate training and development opportunities particularly if they have a specific responsibility.”

“Member development is providing councillors with the skills and knowledge to do the job effectively and ensure both internal and external accountability”

“The member development has improved communication between members and officers and also our confidence and ability to communicate with our local communities on around difficult and challenging issues”

Continuous improvement and direction of travel

Brent Council has been successful in continuing to meet the Charter Plus standard and is well placed to demonstrate continuous improvement over the next three years. The assessment team was of the view that the Charter Plus application and assessment had been very strong and there had been a significant step change and improvement since the September 2015 assessment

Key Strengths identified by the assessors

The following areas were felt by the assessors to be strengths:

- There is continued and developing top political and management commitment to member development. The Leader clearly demonstrated an enthusiasm for and strategic commitment to member development, which was like in 2015 echoed by all the members we met. Organisation. This is complimented by the highly valued officer support undertaken through the Executive and Member Services team. *Without doubt there is now an embedded culture of member development symptomatic of a learning organisation.*
- The Member Development Steering Group continues to have a high profile and reflects the current two political groups, group leaders and both experienced and newly elected councillors. The Steering Group is both strategic in focus, exercises a high level of influence and ensures that the learning and development programme is member led and reflects the priorities of all councillors.
- ***“Partnership working has moved from the rhetorical to the actual”***. Partner organisations recognised the string and developing links with the council and councillors and spoke highly of involvement and interaction at the ward level and through the overview and scrutiny process.
- The ‘Be A Councillor’ programme was highly successful and involved over 100 attendees and supported the promotion of local democracy as well as encouraging individuals to put themselves forward as prospective councillors.
- The Member Needs Analysis and Personal Development Planning programme (PDP) has been further developed and supported the identification and prioritisation of member development needs. The programme was particularly successful in engaging fourteen of the seventeen newly elected councillors. This is supported by a comprehensive member development programme which responds to individual needs and demonstrates clear links to strategic priorities.

- Member development is supported by a sustainable budget of £17,000 and the Member Development Steering Group ensure accountability of the use of the budget.
- The Labour Group has an effective mentoring programme in place led by trained member mentors providing peer support to new and more experienced councillors. Cabinet members are supported with external mentoring support through the LGA.
- There is a strong commitment to a structured approach to cabinet succession planning supported by an effective leadership development strategy. The council has a commitment to supporting councillors to attend LGA Leadership Academy, Next Generation and single leadership modules.
- The Member Development Strategy and Vision Statement and the development programme compliment and support the key strategic priorities of the organisation and ensure councillors have the skills and knowledge to deliver the priorities and ensure accountability and scrutiny.

Assessors' suggested improvement areas

The following were identified by the assessors as areas that the council should work on over the next three years. They will act as a focus for the direction of travel to take forward member development and will compliment other initiatives and approaches led by the council.

- The Member Development Steering Group to focus on “maintaining momentum” and increasing councillor engagement in member development through participation at events and workshops and through a review of PDPs mid-term and to set new individual development priorities for councillors. The council should continue to work towards a target of 60-70% participation in the PDP process.
- The Member Development Steering Group to have a more proactive focus on evaluation of member development and identifying the impact of member development both internally and externally. This should complement the introduction of the evaluation IOS App that is been launched.
- The council should continue to support the strategic approach to leadership development both for Cabinet members and for all councillors as community leaders. Leadership development should continue to support cabinet succession planning.
- The Council should further develop the e-learning resources and begin to introduce and look to develop webinars to respond to the different learning styles of councillors. There is an opportunity to take this forward on a pan London basis or with several partner councils to share and mitigate the development cost.

- The council should consider more effectively differentiating between training and development sessions and more concise member briefings, although both develop knowledge and skills, they have different learning objectives and a different level of commitment is required from councillors participating.
- There should be the opportunity to focus development in how to work effectively with and influence external organisations. e.g. Transport for London, Thames Water and Government Departments. This will be particularly beneficial in supporting councillors in the wards with case work and in exerting influence through the overview and scrutiny committees and task groups.
- The Member Development Steering Group should continue to draw together examples of best practice in member development across the council and other Boroughs and partner organisations. This can be drawn externally from network meetings, leadership development activities and pan London forums. Identified good practice should be utilised to support improvement to the member development offer across the council.
- The council should identify opportunities to further improve formal/informal dialogue and relationships with partner organisations. This may include involving partners as participants on member development workshops where applicable and relevant in order to enhance collaboration.

The council may identify further key areas for improvement because of this assessment or any ongoing review of the development programme.

South East Employers would like to meet with the council in eighteen months to evaluate the programme of continuous improvement and direction of travel; and in three years for a reassessment.

The assessment process may be subject to a quality assurance review by the Local Government Association.

We look forward to the council supporting South East Employers in promoting the benefits of Charter Plus to councils across the London region.

The Council may continue to use the national elected member development Charter Plus logo.

Congratulations in continuing to meet the London Charter Plus standard!

Mark Palmer

Development Director

South East Employers for and on behalf of the Assessment Team

11 January 2019

Councillor Name (Claimant)	Nature of expense	Date expense incurred	Date claim submitted	Mode of travel	Value of claim	Claim Approved / rejected
Cllr Shama Tatler	LGA Annual Conference 2017 • Novotel Birmingham Centre 04-Jul-2017 - 06-Jul-2017	04/06/17	04/06/17	Hotel	£198.00	Approved
Cllr Reg Colwill	LGA Annual Conference 2017 • Novotel Birmingham Centre 04-Jul-2017 - 06-Jul-2019	04/06/17	04/06/17	Hotel	£198.00	Approved
Cllr Ketan Sheth	Course: Chairing Scrutiny: A Workshop for Councillors June 2017 Trainline:30/6/17 From Stonebridge Park to Birmingham New Street	27/06/17	27/06/17	Train	Trainline £49.01	Approved
Cllr. Wilhelmina Mitchell-Murray	Trainline- Coventry	27/11/17	02/02/18	Train	£26.00	Approved
Cllr. Wilhelmina Mitchell-Murray	Taxi booking from station to Warwick	27/11/17	02/02/18	Taxi	£13.00	Approved
Cllr. Matt Kelcher Leadership Training Modules	Warwick Conferences, Coventry CV4 7SH	7/10/17, 4/11/17, 17/11/17 & 2/12/17	05/11/17	Train	£47.52	Approved

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 <p>Brent</p>	<p>Audit and Standards Advisory Committee</p> <p>20 March 2019</p>
<p>Report from the Director of Legal and HR Services</p>	
<p>Annual Standards Report (including quarterly update on Gifts and Hospitality)</p>	

Wards Affected:	All
Key or Non-Key Decision:	Not applicable
Open or Part/Fully Exempt: <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
No. of Appendices:	Three: Appendix 1 Gifts & Hospitality register (Dec 18-March 19) Appendix 2 List of MOANs Appendix 3 Extract of Committee on Standards in Public Life ((CSPL) Local Government Ethical Standards) recommendations and best practice following review
Background Papers:	None
Contact Officer(s): <small>(Name, Title, Contact Details)</small>	Debra Norman, Director of Legal &HR 020 8937 1578 Email: Debra.Norman@brent.gov.uk Biancia Robinson, Senior Constitutional & Governance Lawyer 020 8937 1544 Email: Biancia.Robinson@brent.gov.uk

1.0 Purpose of the Report

- 1.1 This is the Monitoring Officer’s Annual Report to the Audit and Standards Advisory Committee for 2018. It provides an update on Member conduct issues, work of the Audit and Standards Advisory Committee, the Audit and Standards Committee and the Monitoring Officer during 2018.

2.0 Recommendation

2.1 That the Committee note the contents of the report.

3.0 Detail

Committee's Work during 2018

3.1 In May 2018, the Standards Committee was merged with the Audit Committee to form the Audit and Standards Advisory Committee. All formal decisions which fell within these committees' functions are now undertaken by the merged Audit and Standards Committee.

3.2 During January to March 2018 the Standard's Committee met on one occasion (see 3.2a below). From April to December 2018, the Audit and Standard's Advisory Committee has met on three occasions and discussed matters relating to standards, policy and procedure, new case law and gifts and hospitality on two occasions (see 3.2b & c below).

- a) On the 20 March 2018, the Standards Committee reviewed gifts and hospitality received, noted how four complaints against Members had been dealt with and approved the proposed response to the public stakeholder consultation on local government standards.
- b) On the 26 July 2018 the Committee received an update on Gifts and Hospitality and a summary of the R (Harvey) v Ledbury Town Council 2018 High Court case. In this matter the Town Council imposed sanctions on a Councillor using its staff grievance policy. The High Court decided a Member's conduct complaint had to be dealt with under the Council's standard arrangements and not a grievance procedure.
- c) On the 11 December 2018 the Committee noted a report on Gifts and Hospitality and the First Tier Tribunal case of Cyril Bennis v Information Commissioner & Stratford & Stratford – on-Avon-District Council. The case related to the withholding of information provided by an Independent Person in relation to the Freedom of Information Act and discussed when disclosure would be appropriate.

The Committee also considered and noted a report which outlined the outcome of the Independent Review and consequential changes in relation to the Planning Code of Practice Review. The report was formally approved by the Audit and Standards Committee which was convened immediately after the Audit and Standards Advisory Committee.

Appointment of Independent Persons

3.3 In July 2018 the Committee was advised of the appointment of William Goh as the Council's third Independent Person, he now joins Keir Hopley and Nigel Shock.

3.4 Pursuant to the Localism Act 2011, the Council has to have arrangements in place to deal with any allegations of failure to comply with the code of conduct and must appoint an Independent Person whose views are sought and taken into account by the council before it makes its decision on an allegation that it has decided to investigate.

- 3.5 The views of the Independent Person may be sought by the Council and or the member/co-opted member subject to a complaint. This role is different from the role of the four Independent Co-opted Members.

Complaints against Members

- 3.6 Complaints under the Member Code of Conduct are submitted to the Monitoring Officer (Director of Legal and HR). Following consideration of the complaint the Monitoring Officer will decide the appropriate course of action in accordance with the Member's Code of Conduct Complaints Procedure. During 2018, two complaints were received:
- a) the first related to a Member's alleged failure to comply with the principles of openness, objectivity, honesty and leadership. The complaint was not upheld on the basis that the nomination of members for committees (to which the complaint related) is entirely a political group matter and accordingly falls outside of the Member's Code of Conduct.
 - b) the second complaint concerned comments made by a Member relating to the motivation and decision to remove him from the Planning Committee. The complaint was not considered to disclose a sufficiently serious potential breach of the Code to merit further consideration. Further, it was clear that the Member's fundamental right to political expression could not be exercised without causing the offence complained about and any finding of breach was bound to be disproportionate on the facts.

Gifts & Hospitality

- 3.7 Members are required to register gifts and hospitality received in an official capacity worth an estimated value of at least £50. This includes a series of gifts and hospitality from the same person that add up to an estimated value of at least £50 in a municipal year.
- 3.8 Gifts and hospitality received by Members are published on the Council's website and open to inspection at Brent Civic Centre. A list of gifts and hospitality registered by Members from December 2018 to 8 March 2019 (the publication of this report) is attached at **Appendix 1**. The Committee will note two entries 28.11.18 and 1.12.18 were not included in the December report to the Committee. The reason being they were disclosed on and or after the publication date of the December 2018 report.

Monitoring Officer Advice Notes (MOANs)

- 3.9 In January 2019, two MOANs were issued to Members:
- a) MOAN 59 was issued on covert surveillance outside of the scope of the Regulation of Investigatory Powers Act 2000 (RIPA). It summarises the outcome and actions resulting from an internal audit on the use of social networking sites and the internet for surveillance purposes; it also advises on the new procedure for conducting covert surveillance outside of the scope of the RIPA.
 - b) MOAN 60 was an updated MOAN in relation to the FA/Tottenham Hotspurs FC Wembley Stadium Planning Application 2019. It provided Members with general advice on interests and related issues in respect of the

Wembley National Stadium/Spurs planning application which was going to be considered by members of the Planning Committee.

- 3.10 A list of MOANs issued since 2015 is attached as **Appendix 2**, with copies available on the Member's internal SharePoint portal.

Consultation Outcome of the Committee on Standards in Public Life (CSPL)

- 3.11 In January 2019 the Committee on Standards in Public Life (CSPL) published their report on Local Government Ethical Standards. The committee will recall that a response to the consultation undertaken by the CSPL was submitted by the council following discussion by this committee.
- 3.12 The CSPL report concludes that whilst the majority of councillors and officers maintain high standards of conduct, there is clear evidence of misconduct by a minority of councillors.
- 3.13 The report makes 26 recommendations directed at Central Government and identifies 15 best practice recommendations aimed at Local authorities; copies of which are attached at Appendix 3. The report suggests that the best practice recommendations should be considered as a good ethical practice and implemented by all local authorities. The report also suggests that the CSPL will review the implementation of their best practice recommendations in 2020. A copy of the report is available via <https://www.gov.uk/government/publications/local-government-ethical-standards-report>
- 3.14 A summary of the recommendations and best practice recommendations against the Council's current practice is included at **Appendix 3**.

4.0 Financial Implications

- 4.1 There are no financial implications arising out of this report.

5.0 Legal Implications

- 5.1 There are no legal implications arising out of this report.

6.0 Equality Implications

- 6.1 There are no equality implications arising out of this report.

7.0 Consultation with Ward Members and Stakeholders

- 7.1 Not applicable.

8.0 Human Resources/Property Implications (if appropriate)

- 8.1 Not applicable.

Report sign off:

Debra Norman
Director of Legal and HR Services

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Appendix One

Gifts and Hospitalitys (3 December 2018 - 21 February 2019)

Councillor	Date of gift	Gift received	Value	From
Muhammed Butt	04/12/2018	Two cinema tickets	Estimated value £15	Received from Tokyngton Residents
	14/01/2019	Three tickets for Tottenham v Manchester (match date 13/01/19)	Valued at £80 each	Received from Tottenham FC
	29/01/2019	Sur Dhara The Universal Illusion on 27 January	Free event	Received from Red Lotus Events
	01/02/2019	Invitation to Planning Awards 2019	Estimated value over £50	Received from Faraz Babar, Director for Terrance O'Rouke Ltd
	07/02/2019	OPDC Board Member Dinner	Estimated value £50	Received from Old Oak and Park Royal Development Corporation, 169 Union Street, London SE1 0LL
	15/02/2019	Labour Leader's Lunch Invitation - Heathrow Consultation at the Hilton London, Syon Park, Park Road, Brentford, TW8 8JF	Estimated value £50	Received from John Holland-Kaye, Chief Executive Officer, Heathrow Airport Holdings Ltd, The Compass Centre, Nelson Road, Hounslow, Middlesex TW6 2GW
Ernest Ezeajughi	21/12/2018	Box of Ferrero Rocher Chocolates	Valued at £10	Received from BAPS Shri Swaminarayan Mandir,
Krupesh Hirani	28/12/2018	Two ticket vouchers for Winter Wonderland	Estimated value £75	Received from George Irving (Amusements) Ltd
Janice Long	16/01/2019	Ticket to "Approaching Empty" at the Kiln Theatre	Value £25	Received from the Kiln Theatre
Tom Miller	28/11/2018	Excellence Awards Dinner	Value £86	Received from the Chartered Institute of Environmental Health via Brent Council
Mili Patel	01/12/2018	Tropical Sun Hamper (donated to Foster Carers Team to re-gift)	Estimated value £5	Received from Harlesden Business Association
Ketan Sheth	24/12/2018	Invitation to the Diwali luncheon with community on 29/11/18 at Patidar House, Wembley	Approximate value £10	Received from the Federation of Patidar
	14/01/2019	Invitation to the retirement dinner party for Ms Nina Patel, diabetes consultant nurse, on 20/12/18 at the Mumbai Junction Restaurant	Approximate value £10	Received from the London North West University Healthcare NHS Trust
	08/02/2019	Two tickets for the press night performance of "Approaching Empty" on 9/1/19	Approximate value £20	Received from the Kiln Theatre
	06/03/2019	Invitation to the launch of the Grenfell Recovery Café at the SPACE Health and Wellbeing Centre, London W10 6TT followed by a lunch on 14/2/19.	Approximate value unknown.	Received from the SPACE

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Appendix Two MOANs

	Moan No	Description	Date
1.	53	Disclosure of interest & acceptance of Gifts & Hospitality	27.08.15
2.	54	Amended Code of Conduct in force 30.11.15	26.11.15
3.	55	Registration and disclosure of interests & probity in planning	12.06.16
4.	56	FA/Tottenham Hotspur FC Wembley Stadium planning application	13.02.17
5.	57	Registration and declaration of interest, (2)dealing with the council in a personal capacity and (3) hidden dangers of the use of social media	26.04.17
6.	58	How call-in works & other rights as a councillor and scrutinising decision – making Call -in form	24.08.17
7.	59	Covert Surveillance Procedures	01.01.19
8.	60	The FA/Tottenham Hotspurs FC Wembley Stadium Planning Application 2019	15.01.19

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Appendix Three, Extract of list of recommendations and best practice recommendations arising out of the local Government Ethical Standards review.

List of Recommendations

Number	Recommendation	Responsible body	Comment
1	The Local Government Association should create an updated model code of conduct, in consultation with representative bodies of councillors and officers of all tiers of local government.	Local Government Association	
2	The government should ensure that candidates standing for or accepting public offices are not required publicly to disclose their home address. The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 should be amended to clarify that a councillor does not need to register their home address on an authority's register of interests.	Government	The Minister for Communities and Local Government wrote to local authorities on 7 March 2019 to inform them that Parliament has now amended the rules that apply to local government, parish council, and local and combined authority mayor elections, removing the requirement that each candidate's home address must be published during the election process and be included on the ballot paper. The requirement for each candidate's qualifying address to be published during that process has also been removed.
3	Councillors should be presumed to be acting in an official capacity in their public conduct, including statements on publicly-accessible social media. Section 27(2) of the Localism Act 2011 should be amended to permit local	Government	

	authorities to presume so when deciding upon code of conduct breaches.		
4	Section 27(2) of the Localism Act 2011 should be amended to state that a local authority's code of conduct applies to a member when they claim to act, or give the impression they are acting, in their capacity as a member or as a representative of the local authority.	Government	The Council's Code already provides for this – although express provision in the legislation is welcomed.
5	The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 should be amended to include: unpaid directorships; trusteeships; management roles in a charity or a body of a public nature; and membership of any organisations that seek to influence opinion or public policy.	Government	
6	Local authorities should be required to establish a register of gifts and hospitality, with councillors required to record any gifts and hospitality received over a value of £50, or totalling £100 over a year from a single source. This requirement should be included in an updated model code of conduct.	Government	A Gifts and Hospitality Register is already in Operation in this Council. This register is slightly stricter in respect of gifts from a single source than the proposed mandatory register.

7	Section 31 of the Localism Act 2011 should be repealed, and replaced with a requirement that councils include in their code of conduct that a councillor must not participate in a discussion or vote in a matter to be considered at a meeting if they have any interest, whether registered or not, “if a member of the public, with knowledge of the relevant facts, would reasonably regard the interest as so significant that it is likely to prejudice your consideration or decision-making in relation to that matter”.	Government	The council’s Code already provides that members should not participate or vote where they have an interest of this nature – although this is limited to financial and regulatory matters.
8	The Localism Act 2011 should be amended to require that Independent Persons are appointed for a fixed term of two years, renewable once.	Government	
9	The Local Government Transparency Code should be updated to provide that the view of the Independent Person in relation to a decision on which they are consulted should be formally recorded in any decision notice or minutes.	Government	
10	A local authority should only be able to suspend a councillor where the authority’s Independent Person agrees both with the finding of a breach and that suspending the councillor would be a	Government	

	proportionate sanction.		
11	Local authorities should provide legal indemnity to Independent Persons if their views or advice are disclosed. The government should require this through secondary legislation if needed.	Government / all local authorities	
12	Local authorities should be given the discretionary power to establish a decision-making standards committee with voting independent members and voting members from dependent parishes, to decide on allegations and impose sanctions.	Government	
13	Councillors should be given the right to appeal to the Local Government Ombudsman if their local authority imposes a period of suspension for breaching the code of conduct.	Government	
14	The Local Government Ombudsman should be given the power to investigate and decide upon an allegation of a code of conduct breach by a councillor, and the appropriate sanction, on appeal by a councillor who has had a suspension imposed. The Ombudsman's decision should be	Government	

	binding on the local authority.		
15	The Local Government Transparency Code should be updated to require councils to publish annually: the number of code of conduct complaints they receive; what the complaints broadly relate to (e.g. bullying; conflict of interest); the outcome of those complaints, including if they are rejected as trivial or vexatious; and any sanctions applied.	Government	This information is included in reports brought to the Audit and Standards Advisory Committee, but could easily be separately published on the council's website.
16	Local authorities should be given the power to suspend councillors, without allowances, for up to six months.	Government	
17	The government should clarify if councils may lawfully bar councillors from council premises or withdraw facilities as sanctions. These powers should be put beyond doubt in legislation if necessary.	Government	
18	The criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished.	Government	

19 - 21	Recommendations in respect of Parish councils.	Parish councils	n/a
22	The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 should be amended to provide that disciplinary protections for statutory officers extend to all disciplinary action, not just dismissal.	Government	
23	The Local Government Transparency Code should be updated to provide that local authorities must ensure that their whistleblowing policy specifies a named contact for the external auditor alongside their contact details, which should be available on the authority's website.	Government	The Whistleblowing policy does not currently include a named external auditor with contact details, but this can easily be updated.
24	Councillors should be listed as 'prescribed persons' for the purposes of the Public Interest Disclosure Act 1998.	Government	
25	Councillors should be required to attend formal induction training by their political groups. National parties should add such a requirement to their model group rules.	Political groups National political parties	
26	Local Government Association corporate peer reviews should also include consideration of a local authority's processes for maintaining ethical	Local Government Association	

	standards.		
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List of Best Practice

Our best practice recommendations are directed to local authorities, and we expect that any local authority can and should implement them. We intend to review the implementation of our best practice in 2020.

Best practice 1: Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.	The council's Code includes this prohibition and examples are given in training and MOANs.
Best practice 2: Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation, and prohibiting trivial or malicious allegations by councillors.	The council's Code does not expressly state Members must to comply with any formal investigations but does have a prohibition on making "frivolous, vexatious or repeated complaints" against Councillors and officers.
Best practice 3: Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.	The council's Code is regularly reviewed, although the views of the public and community organisations have not been sought.
Best practice 4: An authority's code should be readily accessible to both councillors and the public, in a prominent position on a council's website and available in council premises.	The council's Code is readily available on the council's website.
Best practice 5: Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an	The gifts and hospitality register is updated as and when a new declaration is received and re-published immediately. We

accessible format, such as CSV.	do not wait to publish once a quarter. The register is available to view online on a web page or printer view – which is accessible, and similar to everyone who uses Mod.gov.
Best practice 6: Councils should publish a clear and straightforward public interest test against which allegations are filtered.	The council's Code complaints procedure sets out the criteria use to filter complaints.
Best practice 7: Local authorities should have access to at least two Independent Persons.	The council has 3 Independent Persons
Best practice 8: An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.	The council's Code requires the Independent Person to be consulted, but does not expressly provide the option to review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial, although in practice this is undertaken.
Best practice 9: Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.	A decision notice is not formally published, but the outcome of a formal investigation does go to the Audit and Standards Committee.
Best practice 10: A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.	The council's Code complaints procedure (including timescales) and a complaint form are readily available on the council's website.
Best practice 11: Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council as a whole, rather than the clerk in all but exceptional circumstances.	n/a

<p>Best practice 12: Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.</p>	n/a
<p>Best practice 13: A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.</p>	The council's procedure addresses conflict of interests and provides that the Monitoring Officer manages the conflict; accordingly the options available to the Monitoring Officer would include the step suggested, if deemed necessary.
<p>Best practice 14: Councils should report on separate bodies they have set up or which they own as part of their annual governance statement, and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness, and publish their board agendas and minutes and annual reports in an accessible place.</p>	The council currently includes a section in the annual governance statement on any new bodies which have been established. Annual reports are also published in accessible places. Currently, not all separate bodies publish their board agendas and minutes, but this could be arranged.
<p>Best practice 15: Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.</p>	

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 Brent	Audit And Standards Advisory Committee 20 March 2019
	Report from the Chief Finance Officer
Draft 2019/20 Internal Audit Annual Plan	

Wards Affected:	All
Key or Non-Key Decision:	Non-Key
Open or Part/Fully Exempt: <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
No. of Appendices:	Two Appendix A Draft Internal Audit Plan 2019/20 Appendix B Draft Counter Fraud Plan 2019/20
Background Papers:	None
Contact Officer(s): <small>(Name, Title, Contact Details)</small>	Michael Bradley, Head of Internal Audit 020 8937 6526 Email: Michael.Bradley@brent.gov.uk

1.0 Purpose of the Report

- 1.1 This report sets out the draft Internal Plan for 2019/20 and the basis on which the plan has been prepared.

- 1.2 All Local Authorities are required to make proper provision for Internal Audit in line with the 1972 Local Government Act and the Accounts and Audit Regulations 2003 (as amended). The Public Sector Internal Audit Standards (PSIAS) require, "...chief audit executive to establish risk based plans to determine the priorities of the internal audit activity, consistent with the organisation's goals".

- 1.3 In accordance with the terms of reference for the Committee and in accordance with Standard 2000 – Managing the Internal Audit Activity as outlined within the Public Sector Internal Audit Standards, the Audit and Standards Advisory Committee is asked to review and approve the 2019/20 Internal audit plan.

2.0 Recommendation

- 2.1 The Audit and Standards Advisory Committee approve the content of the plan (Appendix A). This is in line with the Committee's role, as defined in the

Constitution: *To consider the strategic and annual audit plans, and consider the level of assurance these can give over the Council's corporate governance and risk management arrangements.*

3.0 Detail

3.1 The audit planning process reflects that the control environment is constantly changing, requiring continuous review and re-evaluation to ensure that emerging risks are identified and assessed and included as appropriate in the audit plan.

3.2 Based on the budget available for internal audit work, we have made provision for:

- Providing assurance on high risk areas (including major financial systems) via a risk-based auditing approach and areas that have not been audited for longest, regardless of inherent risk (58%);
- Assurance gained from carrying out establishment audits (7%);
- Schools audit coverage via 10 establishment visits (9%);
- Follow up reviews to monitor implementation of audit recommendations (7%), and
- An element for contingency to enable the audit service to provide ad hoc advice and to respond to management requests for support (19%).

3.3 The plan, which is attached at Appendix 1, has been based on the assessment of departmental and corporate risks as identified in a 2018/19 risk mapping and review exercise as well as consultation with senior managers. Each audit will contribute to assurance over at least one of the corporate risks.

3.4 The Audit Plan aims to focus upon areas of highest risk as outlined above at 3.2 and is sufficient to provide Members and management with an independent assurance on the adequacy of the Council's governance, risk management and internal control framework.

3.5 The draft Audit Plan will also be shared with the Council's external auditor, Grant Thornton. The plan will be delivered through a mixture of in-house and external contractor (currently PwC) provision.

3.6 The work of the Investigations team is more generic in nature and is split between reactive and proactive activity. Details of the planned allocation of Investigation resources is attached at Appendix B.

4.0 Financial Implications

4.1 The proposed Internal Audit Plan for 2019/20 will be delivered in accordance within the existing approved budget.

5.0 Legal Implications

5.1 All Local Authorities are required to make proper provision for Internal Audit in line with the 1972 Local Government Act and Accounts and Audit Regulations 2011 (as amended). The Public Sector Internal Audit Standards 2017, also require proper planning of audit work.

6.0 Equality Implications

6.1 None

7.0 Human Resources/Property Implications (if appropriate)

7.1 None

Report sign off:
Conrad Hall

Chief Finance Officer

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Draft Annual Internal Audit Plan 2019/20

	Audit	Audit Description and indicative scope	Corporate Risk	Quarter	Days
Cross Cutting					
1	Service level (or functional) audits	To include key controls on some or all of: GDPR, Financial Management (including savings delivery), Budget Setting, Risk Management, Policies and procedures, compliance with legislation, HR – especially recruitment, Structure, contract management. c15 days per Service.	-	All	70
2	Management Information	Management reporting to CMT – data, dashboards and scorecards - right information reported accurately and in a timely way to right people.	A & B	2	15
3	Brexit Preparation	May include workshop – scope to include EU Funding, revenues and demand, supplier risks, staffing, community impact, contractual risks, capital investment.	N & O	1	15
4	Risk Management	Continuing development of risk management framework	-	All	15
5	Programme and Project Management	Review of the approach to initiating, delivering and monitoring projects and programmes.	A & B	2	15

	Audit	Audit Description and indicative scope	Corporate	Quarter	Days
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			Risk		
Performance , Policy and Partnerships					
6	Voluntary Sector Funding	Review of the arrangements for allocation of funding and monitoring of outcomes to voluntary sectors organisations. To include arrangements for management agreements or similar.	F	3	15
7	Transformation	Clarity of roles and responsibilities, objectives and outcomes. Also role in service improvement, delivery of Borough plan and relationship with IA. Effectiveness of governance and impact of work streams to deliver strategic objectives.	F	2	15
8	Prevent	Implementation of Prevent Delivery Plan, risk assessment, co-ordination of Delivery Group and activity, policies, training and awareness.	F	2	15
9	Roll out of Community Hub Network	Review of high profile project with significant member and stakeholder buy in and associated reputational risk. Scope to include plans in place for delivery and the programme management and phasing for delivery by the end of 2020.	F	3	15
10	IT Licencing	Scope to include awareness of what licences exist, over or under licencing, licencing strategy, legacy issues and potential savings.	G	1	10
11	IT Access and Identity Management	To review general access control and administrator/super users across the various IT systems.	G	2	15
12	Artificial Intelligence	Review regarding the use of robotics in place and identified risks being managed.	G	4	10
13	Sourcing Risk	Review of the IT procurement & strategy including benefits realisation of the Shared Service Centre.	G	3	15
14	Platform Review	To include vulnerability and patch management and configuration management.	G	4	10

	Audit	Audit Description and indicative scope	Corporate Risk	Quarter	Days
Regeneration and Environmental Services					
16	Parking Enforcement	Scope to include deployment arrangements to ensure adequately risk and intelligence based, contract management (Serco), permit system. Moved from 18/19.	L	3	15
17	Highways	Scope to include responsibilities for management and maintenance of highways in the borough including contract monitoring, departmental contract management team, reactive repairs contract or planned maintenance programme with coverage of member/ community involvement. Also to consider impact of New Roads and Street Works Act - the power to charge utilities for delays whilst they dig up roads.	L	4	15

	Audit	Audit Description and indicative scope	Corporate Risk	Quarter	Days
Community Wellbeing					
18	Older Persons Pathway	Audit of the newly integrated ASC Services under Older Persons Pathway. Consultants advising on changes in Q1.	H	4	15
19	Adult Social Care Transformation	ASC Transformation Project to integrate services. Project Assurance review to focus on key project objectives, risks and controls.	H	1	15
20	London Borough of Culture	Project Assurance Audit including review of objectives, risk management, progress and stakeholder management. Potential for a real time review. To be aware of plan to create a Charitable Trust to raise funds. Funds to be underwritten by Council.	K	1	15
21	Licensing of Landlords	Scope to include risks around unlicensed landlords	J	1	15
22	GLA Affordable Housing Programme	Scope to include grant Funding (may have GLA Assurance) and budgeting. 3-4 year programme and project management.	J	3	15
23	Homecare	Advisory audit work on structure, risks and controls of revised service. Audit will advise Project Board.	H	1	10
24	Housing Allocation	A review focusing on the key controls around the allocation of housing	J	2	10

	Audit	Audit Description and indicative scope	Corporate Risk	Quarter	Days
Children and Young People					
25	Safeguarding Partnerships and Strategy - Performance and Information Management	Scope to consider the effectiveness of this activity on providing effective information on the delivery of objectives, caseload monitoring, use of Agency workers and potential overspends.	F	2	15
26	Children with Disabilities	Scope to include spend and budget monitoring.	F	4	15
27	Integration and Improved Outcomes - Fostering	Review of the risks to achieving objectives with regard to fostering services	F	3	15
28	School Audits	Audits of 10 schools, scope includes financial management, governance, procurement, HR and asset management.	F	All	100

	Audit	Audit Description and indicative scope	Corporate Risk	Quarter	Days
Resources					
29	Barham Park Accounts	Independent certification of accounts.	A	1	5
30	Pension Fund	To consider contract management of new pension provider, controls over payments and investments, pensioner payroll.	L	4	15
31	P2P Project	Real time audit to include risk and control advice and guidance input into the developing structures and processes arising from the project.	B	1	15
32	Accounts Payable	Full audit following Audit work in July 2019 and subsequent move to Finance.	A	2	15
33	Payroll	Audit to include all processes and risk areas.	F	1	15
34	VAT	Management request – to include compliance issues and risk areas.	A	3	10

35	Purchasing Cards	To include procurement cards and pre-paid cards - strategic considerations around use of cards for low value transactions, approvals, use of Oracle, appropriateness of use and monitoring for misuse.	B	3	15
36	Schools Capital Programme	To include approvals, budgeting, appropriateness and permissions. CYP joint sponsor.	A	3	15
37	Registrars	To include the statutory performance obligations in Registrar's office.	F	2	15
38	Procurement	Audit will provide advice and guidance on the developing structures and processes as they are developed under the restructure.	F	1	10
39	Staff Benefits	Review to include the arrangements for monitoring areas where staff claim for benefits e.g. season ticket loans.	A	2	15
40	Attendance Management	Scope to include manager self-service, sickness and absence recording, triggers and associated actions.	E	3	15
41	Recruitment and Retention	Review to include campaign planning, advertising, pre-employment screening, on-boarding, assessment and selection and management information.	E	2	15
42	Apprenticeships	To consider compliance with the scheme requirements, take up, retention of staff, integration into Council after completion.	E	3	15
43	High Risk Cases	Scope to include access to legal expertise, VFM, Communication, budget monitoring.	F	4	10
44	Housing Benefits and Verification Appeals	Review to consider issues around verifications and appeals.	B	2	15
45	Council Tax	Review to consider arrangements following the transfer back in house and the findings of 2018/19 project audit, accuracy, timeliness and collection.	D	4	15
46	Bailiffs	Scope to consider the current contract (Capita) coming in house, alignment of systems - AIMS, ASH and One Step.	L	1	15
47	IT Governance	Review of IT Governance following restructure in Q4 2018/19.	G	3	10
Other					
48	Follow Up	Follow Up of actions agreed in audits from 2018/19 Audit Plan.		All	80

	Reviews			
	TOTAL			855

Available resource = 1070 days (three auditors (190 p.a.), one apprentice (100 days p.a.) plus c400 PWC contracted days)

Contingency available = 215 days

Corporate Risk List

- A. Budget Overspend
- B. Savings not achieved
- C. Impact of Universal Credit
- D. Council Tax Transition
- E. Recruitment, Retention and Training
- F. Quality of Service compromised due to savings
- G. Digital Strategy
- H. Failure to meet demand for social care services
- I. Failure to deliver Housing Growth
- J. Lack of Supply of affordable accommodation
- K. London Borough of Culture
- L. Contract Management
- M. Consultation with Brent's Communities
- N. Brexit - Workforce
- O. Brexit - Economy

Appendix B: Draft Annual Counter Fraud Plan 2019/20

Introduction

The purpose of this report is to set out the Counter Fraud Plan for 2019/20.

Objective

To ensure the resources of the Investigations team are adequately targeted to achieve the aims of the council's anti-fraud policies.

Background

The Investigations team's work is split between reactive and proactive activity. Reactive work largely consists of referrals to the team from the Internal, Housing or External fraud types. Proactive activity is generated from within the service and can incorporate any of the reactive fraud types.

All referrals are risk assessed so that resources can be targeted efficiently. The overall counter fraud resource allocation for 2019/20 is as follows:

- **Housing** (including related proactive work)* = 50% (minimum) 570 days;
- **Internal / Whistleblowing**** = 15% 170 days;
- **External***** = 15%, 170 days, and
- **Proactive** (including NFI, fraud awareness, raising team profile and any developing additional anti-fraud initiatives) **** = 20%, 225 days.

* **Housing** remains a key fraud risk area and includes unlawful subletting, non-residency, successions / false assignments, housing/homeless applications and Right to Buy. Housing proactive work will be included within the 50% where possible to assist with the fraud awareness/ raising profile objective. Ongoing proactive work will include our existing involvement with 'Gas Forced Entries' for council tenancies, which has been demonstrated to be a good source of fraud detection and higher referral quality. NB: Info Sharing Agreements with Housing Associations/RSLs will be reviewed/renewed. We will review our working practices with these organisations as some now use private investigators, credit reference agencies and other fraud prevention systems to help recover their properties i.e. there is less reliance on LA fraud teams to investigate their tenants.

** **Internal / Whistleblowing** is almost impossible to predict and quantify due to its nature. A high priority, or more complex, case can quickly take up team resource e.g. serious financial irregularity or corruption allegation. The fraud type affects all areas of the council and will often take priority. In most cases, the decision to investigate will be taken regardless of what the initial intelligence suggests and as such, increased planning and managing client expectations becomes a significant factor. It is probable that during 2019/20, the time spent in this area will be higher than 15% especially with related plans for raising fraud awareness and team profile.

*** **External** will include Blue Badge, Council Tax, Business Rates and all application-based fraud types. The capacity to manage this area of fraud has historically been affected by the higher priority fraud types above. The team will be developing additional anti-fraud initiatives including other enhanced data-matching tools to prevent and detect fraud.

**** **Proactive** (including NFI, fraud awareness and developing additional anti-fraud initiatives). All the above fraud types are reactive and therefore difficult to quantify. The counter fraud plan will be predominantly made up of proactive activity based on known and intelligence led key fraud risk areas, fraud awareness/publicity plans, corporate risk register and Internal Audit delivery. Example 1: Housing Tenancy high risk areas. Example 2: Staff Identity Checks in key service area in conjunction with fraud awareness plan. Example 3: specific proactive in Essential User Permits following internal audit completion. The proactive area will be the easiest to quantify in terms of a counter fraud plan e.g. planned Blue Badge operations, fraud awareness workshops / service engagement in key fraud risk areas and review-based proactive work (i.e. NFI).

IMPORTANT: It should be noted that due to the often confidential and sensitive nature of the team's work, a certain amount of activity cannot be published in advance.



Annual Report on grants and returns 2017/18



Agenda Item 9

London Borough of Brent

March 2019 - Draft

Contents

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in connection with this
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This report is addressed to the Authority and has been prepared for the sole use of the Authority. We take no responsibility to any member of staff acting in their individual capacities, or to third parties. Public Sector Audit Appointments issued a document entitled Statement of Responsibilities of Auditors and Audited Bodies summarising where the responsibilities of auditors begin and end and what is expected from audited bodies. We draw your attention to this document which is available on Public Sector Audit Appointment's website (www.psa.co.uk).

External auditors do not act as a substitute for the audited body's own responsibility for putting in place proper arrangements to ensure that public business is conducted in accordance with the law and proper standards, and that public money is safeguarded and properly accounted for, and used economically, efficiently and effectively.

We are committed to providing you with a high quality service. If you have any concerns or are dissatisfied with any part of KPMG's work, in the first instance you should contact Neil Thomas, the engagement lead to the Authority, who will try to resolve your complaint. If you are dissatisfied with your response please contact the national lead partner for all of KPMG's work under our contract with Public Sector Audit Appointments Limited, Andrew Sayers (andrew.sayers@kpmg.co.uk). After this, in relation to the certification of the Housing Benefit Subsidy grant claim, if you are still dissatisfied with how your complaint has been handled you can access PSAA's complaints procedure by emailing generalenquiries@psaa.co.uk, by telephoning 020 7072 7445 or by writing to Public Sector Audit Appointments Limited, 3rd Floor, Local Government House, Smith Square, London, SW1P 3HZ.

Introduction and background

This report summarises the results of work we have carried out on the Authority's 2017/18 grant claims and returns.

This includes the work we have completed under the Public Sector Audit Appointment (PSAA) certification arrangements, as well as the work we have completed on other returns under separate engagement terms. The work completed in 2017/18 is:

- Under the PSAA arrangements we certified one claim – the Authority's 2017/18 Housing Benefit Subsidy claim. This had a value of £ 339 million.
- Under separate engagements we issued assurance reports on the following two returns;
 - Teachers' Pension Return (£15 million); and
 - Pooling of Housing Capital Receipts Return (capital receipts subject to pooling £11 million).

Certification and assurance results (Pages 4-5)

Our certification work on Housing Subsidy Benefit claim included:

- agreeing standard rates, such as for allowances and benefit incomes, to the DWP Circular communicating the value of each rate for the year;
- sample testing of benefit claims to confirm that the entitlement had been correctly calculated and was supported by appropriate evidence;
- undertaking an analytical review of the claim form considering year-on-year variances and key ratios;
- confirming that the subsidy claim had been prepared using the correct benefits system version; and
- completing testing in relation to modified schemes payments, uncashed cheques and verifying the accurate completion of the claim form.

Following the completion of our work, the claim was subject to a qualification letter in relation to the following matters:

- Errors in the calculation of claimants eligible self employed income – there was a similar qualification in 2016/17;
- Errors in the calculation of claimants eligible earned income – there was a similar qualification in 2016/17;
- Incorrect Local Housing Authority caps being used;
- Errors in the calculation of non dependent income; and
- Misclassification of overpayments between Local Authority errors and eligible overpayments - there was a similar qualification in 2016/17.

There were no adjustments made to the claim.

Our work on the other grant assurance engagements did not result in any adjustments although we were required to report a minor issue arising from the agreed upon procedures we performed.

Recommendations

We made one recommendation to the Authority last year relating to processing of housing benefit data. While the total number of errors have reduced the substance of the recommendation remains.

Fees (Page 6)

Our fee set by the PSAA for certifying the Authority's 2017/18 Housing Benefit Subsidy grant was £21,663. Due though to additional time in finalising the housing benefit claim and an increase in the number of additional cells being tested due to initial errors, an additional fee of £2,249 will be required which we will agree with the Chief Finance Officer and PSAA. This will make the total fee £23,912 (2016/17: £27,321)

Our fees for the other returns were agreed with the Authority and totalled £6,500.

Summary of reporting outcomes

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Overall, we carried out work on three grants and returns. Detailed comments are provided overleaf.

Detailed below is a summary of the reporting outcomes from our work on the Authority’s 2017/18 grants and returns, showing where either audit amendments were made as a result of our work or where we had to qualify our audit certificate.

A qualification means that issues were identified concerning the Authority’s compliance with a scheme’s requirements that could not be resolved through adjustment. In these circumstances, it is likely that the relevant grant paying body will require further information from the Authority to satisfy itself that the full amounts of grant claimed are appropriate.

	Comments overleaf	Qualified	Significant adjustment	Minor adjustment	Unqualified
Public Sector Audit Appointments regime					
— Housing Benefit Subsidy	1				
Other grant/return engagements					
— Teachers’ Pension Return	2				*
— Pooling of Housing Capital Receipts Return	3				*

* For the Teachers’ Pension Return and Pooling of Housing Capital Receipts Return the work is performed under agreed upon procedures where we report findings against agreed audit procedures rather than forming an opinion or giving assurance. These findings are shown on page 6.

Summary of certification work outcomes

This table summarises the key issues behind each of the adjustments that were identified on the previous page.

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Ref	Summary observations	Amendment to claim/return
1	<p>Housing Benefit Subsidy Claim</p> <p>Our initial testing of 60 cases identified:</p> <ul style="list-style-type: none"> • Three cases where the Local Housing Authority rate was incorrectly applied (all impacted on amount paid to claimant); and • Three cases where incorrect amounts had been included for non dependents (all impacted on amount paid to claimant). <p>Additional testing of a further 80 cases for each type of error identified 12 errors relating to the incorrect rate being used, although none of these errors impacted on the amount awarded to claimants and 11 errors relating to non dependent income, six of which impacted on the amounts paid to claimants.</p> <p>As a result of errors in previous years in relation to the calculation of self employed income for benefit purpose (73 errors out of 124 cases tested in 2016/17), we carried out additional testing where the claimant had self employed income. Our testing of 128 such cases this year found errors in 28 of the cases which 9 resulted in the claimant being overpaid housing benefits, 10 on claimants being underpaid and 9 cases which had no impact on the amount the claimant was due. The overpayments ranged from £1 to £404. As can be seen the Authority has made progress in this area in reducing the number of errors on self employed income and this improvement needs to be continued.</p> <p>We also as a result of errors identified last year on processing earned income and overpayments tested an additional sample of 40 cases for each and found four errors relating to earned income and one case relating to allocation of overpayments.</p> <p>While errors made in calculating individual housing benefit claims can have a significant impact on the claimant, most of the errors above would only result in minor adjustments to individual cells included in the Authority's Housing Benefit Claim, However as there were some claims where evidence couldn't be located to support certain categories and thus maximum amounts were applied to the figures included in the claim, based on our extrapolation, this could lead to approximately £1 million of expenditure being re-classified as LA error which attracts no subsidy.</p> <p>However, due to the Authority having only £372,000 of LA error and administration delays against a lower threshold of £1,591,000, the Authority has calculated this will have minimal effect on the subsidy claimed if the Department decided to use the extrapolated figures to revise the claim.</p> <p>It is also noted the claim missed the audit deadline of 30 November 2018 as the Authority needed to complete additional tests and spent time finding information that initially couldn't be located. The claim was signed by the auditor on 25 February 2019.</p>	None

Summary of certification work outcomes

Ref	Summary observations	Amendment to claim/return
2	<p>Teachers' Pension Return</p> <p>Our testing identified that multiplying gross salaries by the expected contributions resulted in a difference of £50.37 for employee and £1.86 for employers contributions on total contributions of £14,463,299. This we were required to report to the Department.</p> <p>In addition, there was a difference between the receipts the Teachers' Pension Authority stated they had received from Brent and the Authority's accounting records of £286,784 which we were required to report. Officers have informed us this is due to a school making a payment direct to the Teachers' Pension Agency as well as the Authority, resulting in a duplicate payment. Officers have started monthly reconciliations to ensure this does not re-occur.</p>	None
3	<p>Pooling of Housing Capital Receipts return</p> <p>The working papers supported the return and there were no matters arising. We signed the return and had no issues to report relating to the Return.</p>	None

Fees

Our fees for the Housing Benefit Subsidy claim are set by Public Sector Audit Appointments.

Our fees for other assurance engagements on returns are agreed directly with the Authority.

The overall fees we propose for carrying out all our work on grants/returns in 2017/18 was £30,412

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Public Sector Audit Appointments certification arrangements

Public Sector Audit Appointments set an indicative fee for our work on the Authority's Housing Benefit Subsidy claim in 2017/18 of £21,663. Due to additional work being required as a result of errors identified and delays in locating information we are proposing an additional fee of £2,249 which we agree with the Chief Finance Officer and PSAA in respect of the additional work.

Grants subject to other engagements

The fees for our work on other grants/returns are agreed directly with the Authority. The final fees for 2017/18 were in line with those agreed prior to the start of the work.

Breakdown of fees for grants and returns work

* Breakdown of fee by grant/return		
	2017/18 (£)	2016/17 (£)
Housing Benefit Subsidy claim	23,912*	27,321
Teachers' Pension Return	3,500	3,500
Pooling of Housing Capital receipts	3,000	3,000
Total fee	30,412	33,821

* Subject to agreement with the Chief Finance Officer and PSAA

Recommendations

We made one recommendation in both our 2015/16 and 2016/17 Certification of Grants and Returns Annual Reports regarding self employed income and how the accuracy of calculations could be strengthened. There has been an improvement this year but further improvement is required.

Prior year recommendation	Priority	Status as at March 2018	Management comments
Housing benefits			
Review in detail the reasons for errors relating to self employed income calculations for benefit purposes and put in place arrangements to ensure all figures used in the calculation of self employed income are accurate and fully supported.	1	There was a dramatic improvement in 2017/18 following measures put in place by the Authority which reduced the number of errors identified from 73 out of 124 cases in 2016/17 (59%) to 29 out of 128 cases in 2017/18.(23%). This progress needs to be continued in 2018/19.	

Recommendation	Priority	Management comments
Housing benefits		
1 Review the reasons for errors relating to the incorrect Local Housing Authority rate being used and the errors in the calculation of Non dependent income figures and take appropriate action following the review.	1	



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 Brent	Audit And Standards Advisory Committee 20 March 2018
	Report from the Director of Legal and HR Services
Review of the Use of the Regulation of Investigatory Powers Act (RIPA) Powers in 2018	

Wards Affected:	All
Key or Non-Key Decision:	Not applicable
Open or Part/Fully Exempt: <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
No. of Appendices:	Four: Appendix 1 Brent Council's RIPA policy and Procedures (December 2018) Appendix 2 Note to all staff on use of Social Media and Internet Appendix 3 Protocol for the use of Brent Council's Public CCTV Systems for Covert Surveillance Purposes (September 2018) Appendix 4 Office of Surveillance Commissioners Inspection Report dated (November 2016)
Background Papers:	None
Contact Officer(s): <small>(Name, Title, Contact Details)</small>	Debra Norman Director of Legal and HR Services Email: debra.norman@brent.gov.uk Tel: 020 8937 1578 Tola Robson Principal Lawyer - Criminal Litigation and Licensing Email: omotolani.robson@brent.gov.uk Tel : 0208 937 1455

1.0 Purpose of the Report

- 1.1 This report explains the Council's use and conduct of covert surveillance techniques when investigating serious criminal offences relying on the powers made available to local authorities in Part II of the Regulation of Investigatory Powers Act 2000 (RIPA).

- 1.2 It was decided last year that the Council's oversight arrangements for the use of these statutory powers would be extended to cover a high level annual review by the Audit and Standards Advisory Committee. This report sets out the second of these reviews.

2.0 Recommendation

- 2.1 That the Committee note the contents of this report which sets out the arrangements to ensure compliance with RIPA and the statutory Codes of Practice.
- 2.2 That the Committee notes that there are no significant policy changes recommended out of this review.

3.0 Detail

Background

- 3.1 Appended to this report (Appendix 1) is the latest version of the Council's Policy and Procedures on RIPA (excluding the separate appendices referred to in that document). The document explains the Council's use and conduct of covert surveillance techniques when investigating serious criminal offences relying on the powers made available to local authorities in Part II of RIPA. RIPA authorises surveillance in accordance with the statutory framework. It establishes a lawful process and thereby protects the Council from legal claims and complaints and ensures that the evidence, relied upon, for example in prosecutions, is admissible.
- 3.2 Covert surveillance techniques are carried out in a manner calculated to ensure that any persons who are the subject of surveillance are unaware that it is or may be taking place; it includes
- a. static surveillance (e.g. taking up an observer post to monitor the activities and movements of those suspected of having committed criminal offences);
 - b. mobile surveillance (e.g. following someone to see where they are going without their knowledge);
 - c. using hidden CCTV at a crime hotspot.

RIPA refers to these techniques as 'directed surveillance'.

Covert surveillance also extends to the use of undercover officers and informants. RIPA refers to these as 'covert human intelligence sources' (more commonly referred to as CHISs).

- 3.3 The Council's policy document also refers to accessing Communications Data. This includes for example, details of out-going phone calls and websites visited where the data is held by telephone and/or internet service providers. However, only limited information about who sent the communication, when, where and how can be accessed but not the content i.e. not what was said or written. Communications Data is regulated by a different part of RIPA and different procedures apply. For example, authorisations are granted by a national body which acts on behalf of local authorities.

- 3.4 As well as the current legislation, the Council's policies and procedures are informed by revised statutory codes of practice issued by the Home Office. The most recent codes being September 2018 regarding the Covert Surveillance and Covert Human Intelligence Sources Code of Practice.
- 3.5 The use of RIPA powers by local authorities is tightly controlled. Initially, directed surveillance or the use of a CHIS has to be assessed in detail and authorised in writing internally by a senior officer if assessed as necessary and proportionate. Subsequently, it has to be approved by a magistrate before the authorisation takes effect.

Oversight

- 3.6 The Council's use and conduct of covert surveillance techniques is overseen internally by the Council's Monitoring Officer, who also acts as the Council's Senior Responsible Officer (SRO) for the purposes of the Home Office codes of practice. The Monitoring Officer keeps the Council's RIPA policy and procedures document under review and updates it as and when necessary. This ensures compliance with the most current legislation, statutory codes of practice, technical guidance and best practice. It is also necessary to keep the list of authorising officers up to date and for administrative, technical and presentational changes to be made from time to time to ensure the document acts as a helpful source of instruction and guidance to all officers of the Council.
- 3.7 The Council's use of its RIPA powers is also overseen externally by the Investigatory Powers Commissioner ((IPC) formerly the Office of Surveillance Commissioners (OSC)). The IPC took over from the OSC in September 2017 and has responsibility for reviewing the investigatory powers by public authorities and other intelligence and law enforcement agencies.
- 3.8 The office of the Investigatory Powers Commissioner has also taken over the inspection role of the OSC. Inspections are periodic and focus on RIPA policies, procedures and practices.
- 3.9 Inspections on the council's use of RIPA are undertaken every two to three years. The most recent Council inspection was on 8 November 2016, and the Chief Surveillance Commissioner wrote to the Council's Chief Executive acknowledging that the inspector considered the Council's policy and procedure document to be "excellent". Describing the Council's standards as "impressive" and noting that "the attitude of the Council to the need for training and awareness is sensible and far sighted". No formal recommendations were made but "some suggestions were offered for 'fine tuning'". A copy of the said report is appended (Appendix 4) to this report for ease of reference .
- 3.10 During the inspection two other main issues were raised.**First**, the need for the Council to review its CCTV protocol so that before the police and other law enforcement bodies are allowed to use its public CCTV systems for directed surveillance purposes, the Council is reassured that a RIPA authorisation has

been obtained. The Council's Protocol for the use of Brent Council's Public CCTV Systems for Covert Surveillance Purposes (September 2018 version) addressing this action is attached as Appendix 3.

Second, the Council was advised to raise Council-wide awareness about the use of social media and the internet to obtain information about others and the likely privacy and RIPA implications. Appended to this report (Appendix 2) is a copy of the guidance note prepared for all staff on the implications of the use of social media and internet to gather information. The Council's stance on online surveillance is supported by newly published revised codes on Covert Surveillance.

- 3.11 According to the Home Office codes of practice, Members should review the Council's use of its RIPA powers. Consequently, it was decided that this Committee would conduct high level reviews on an annual basis. Any significant policy changes recommended by the Committee, arising from its review, will be reported to Cabinet for decision. The Committee will note that there are no significant policy changes recommended out of this review for the Committee's consideration.

The Council's use of its RIPA powers

- 3.12 The Council's use of its directed surveillance and CHIS RIPA powers has significantly diminished in recent years. The table below illustrates this downward trend in further detail. To date no further authorisations have been applied for or granted since 2017/18.

Year	No of RIPA Authorisation Requests
2007/2008	54
2008/2009	56
2013/2014	4
2014/2015	9
2015/2016	0
2016/2017	1 (reviewed during the last inspection)
2017/2018	0

- 3.13 RIPA powers are now predominantly used to enforce trading standards controls and, in particular, to conduct test purchases of age restricted products such as alcohol. It is also occasionally used in the context of serious fraud investigations.

4.0 Financial Implications

- 4.1 None.

5.0 Legal Implications

- 5.1 Legal implications are contained within the body of this report. However, it should be noted that significant changes were introduced to the use of RIPA by the Protection of Freedoms Act 2012. These changes mean that a local authority can now only grant authorisations under RIPA for the use of directed

surveillance where it is for the purposes of investigating criminal offences that carry a custodial sentence of six months or more, or criminal offences relating to the underage sale of alcohol or tobacco. Further, a magistrates approval is required before the RIPA authorisation can take effect.

6.0 Equality Implications

6.1 The public sector equality duty requires public bodies to pay due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010;
- advance equality of opportunity between people who share a protected characteristic and those who do not;
- foster good relations between people who share a protected characteristic and those who do not.

6.2 The Equality Act 2010 and the Public Sector Equality Duty (outlined above) cover the following nine protected characteristics: age, disability, marriage and civil partnership, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation.

6.3 There are no direct equalities implications arising from this report as it provides monitoring information and a legal update for the Committee.

7.0 Consultation with Ward Members and Stakeholders

7.1 None.

Report sign off:

DEBRA NORMAN

Director of Legal and HR Services

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BRENT COUNCIL'S RIPA POLICY AND PROCEDURES

December 2018

BRENT COUNCIL'S RIPA POLICY AND PROCEDURES

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1. Introduction

- 1.1 This document explains the Council's use and conduct of covert surveillance techniques when investigating serious criminal offences relying on the powers made available to local authorities in Part II of the Regulation of Investigatory Powers Act 2000 (RIPA). RIPA makes surveillance authorised in accordance with the statutory framework it establishes lawful and thereby protects the Council from legal claims and complaints and ensures that the evidence it relies upon in prosecutions is admissible.
- 1.2 Covert surveillance techniques include static surveillance (e.g. taking up an observer post to monitor the activities and movements of those suspected of having committed criminal offences); mobile surveillance (e.g. following someone to see where they are going without their knowledge); using hidden CCTV at a crime hotspot and the use of undercover officers and informants.
- 1.3 This document also contains some information about accessing communications data such as out-going phone calls and websites visited held by telephone and internet service providers. However, only limited information about who sent the communication, when and how can be accessed but not the content i.e. what was said and written. This form of surveillance is regulated by a different part of RIPA and different procedures apply i.e. authorisations are granted by a national body which acts on behalf of local authorities.
- 1.4 As well as the current legislation, the Council's policies and procedures are informed by statutory codes of practice issued regularly by the Home Office in December 2014 and the Revised Codes issued in August 2018. Namely, the Covert Surveillance etc. Revised Code of Practice and Covert Human Intelligence Sources Revised Code of Practice.
- 1.5 The Council's use and conduct of covert surveillance techniques is overseen internally by the Council's Monitoring Officer, who also acts as the Council's Senior Responsible Officer (SRO) for the purposes of the Home Office Codes of Practice, and externally by the newly established Investigatory Powers Commissioner ("IPC " formerly the Office of Surveillance Commissioners (OSC)). The IPC conduct periodic inspections of public authorities entitled to exercise RIPA powers in order to fulfil their oversight role. The OSC and now IPC also issue technical Guidance to public authorities .This document is informed by the OSC Guidance issued in July 2016 as well as the Revised Codes of Practice mentioned in paragraph 1.4 above.
- 1.6 The Council's policies and procedures have been approved by Cabinet. In addition, the Audit and Standards Advisory Committee will carry out a high level annual review of any authorisations granted or renewed, initially by an Authorising Officer of the Council and subsequently by a magistrate, in accordance with the requirements of RIPA.
- 1.7 Compliance with the policies and procedures agreed in this document is mandatory for all relevant Council services and officers. RIPA powers are now predominantly

used to enforce trading standards controls and, in particular, to conduct test purchases of age restricted products such as alcohol. It is also occasionally used in the context of serious fraud investigations. It remains essential, however, that all potential users are fully aware of the contents of this document.

2. Definition of Surveillance

Surveillance for the purpose of RIPA includes: “monitoring, observing or listening to persons, their movements, conversations or other activities and communications”. It may be conducted with (or without) the assistance of a surveillance device, and includes the recording of any information obtained. Surveillance can be undertaken whilst on foot, mobile or static.

3. Covert Surveillance

- 3.1 Surveillance is covert if and only if, it is carried out in a manner that is calculated to ensure that persons who are subject to the surveillance are unaware that it is (or may be) taking place [Section 26(9)(a)].
- 3.2 It must be likely to result in the obtaining of “private information” about the person observed. “Private Information” covers any aspect of a person’s private or family life, including their family, professional and business relationships. Obviously it covers personal data like names, address and telephone numbers [Section 26 (10)], which are also covered by the Data Protection Act 2018 and the GDPR.
- 3.3 This may happen in a public place where the person has a reasonable expectation of privacy whilst there, especially where:
- a) the public authority concerned records the information gained, or
 - b) several records are to be analysed together to show a pattern of behaviour.

4. Types of Covert Surveillance

- 4.1 Covert surveillance may be: “Intrusive” or “Directed”.

Intrusive Surveillance

- 4.2 Local Authorities are NOT permitted to conduct Intrusive Surveillance at all. This covers anything taking place on/in any residential premises or a private vehicle, involving either a person on the premises/in the vehicle or a surveillance device even if it is not on the premises or in the vehicle if it provides information of the same quality as if it was. Surveillance of premises used for the purpose of legal consultations is also regarded as Intrusive Surveillance.

Directed Surveillance – with new limitations

- 4.3 Directed Surveillance must be:
- for the purpose of a specific operation or investigation (relating to a statutory enforcement function);

- its target must be unaware that it is or could be taking place;
 - it must be done in a way likely to obtain private information about the target;
 - it must not be an immediate response to events.
- 4.4 Local Authorities can now ONLY conduct Directed Surveillance for the prevention or detection of crime. There is a minimum crime threshold so that offences must be punishable (whether on indictment or summary conviction) by a maximum term of at least 6 months imprisonment, or be related to the underage sale/supply of alcohol or tobacco/nicotine.
- 4.5 Note the minimum crime threshold does not apply to the use of a **CHIS**.
- 5. Basis for Lawful Surveillance Activity**
- 5.1 The Human Rights Act 1998 (HRA) gave effect in UK law, to the rights of individuals enshrined in the European Convention on Human Rights 1950 [ECHR]. Some of the rights are absolute, whilst others are qualified, meaning that it is permissible for the state to interfere with those rights provided certain conditions are satisfied. One of the qualified rights is the Right to respect for one's private and family life, home and correspondence [Article 8 ECHR].
- 5.2 In limited circumstances Local Authorities are permitted to conduct covert surveillance, namely Directed Surveillance, and to use Covert Human Intelligence Sources [CHIS], both of which would result in the subject's Article 8 Rights being infringed or interfered with by a public authority.
- 5.3 RIPA Part II (as amended by Regulations and the Protection of Freedoms Act 2012) provides the statutory framework to enable covert surveillance to be lawfully authorised and conducted - so as to ensure it does not infringe the Article 8 rights, except as may be permitted by Article 8 (2), and to ensure the Council as a public authority is acting in a way compatible with the ECHR, as required by HRA section 6.
- 5.4 Since RIPA 2000 was passed, and particularly since 2010, local authorities' powers have been increasingly curtailed. The additional purposes of protection of public health or in the interests of public safety, and the prevention of public disorder were removed.
- 5.5 To be sure a matter is RIPA controlled, officers must identify from the outset whether:
- a) s/he is investigating a criminal offence - and if so,
 - b) whether it passes the minimum crime threshold.
- 5.6 From 1st October 2015 the 2010 Regulations were amended further - to add that the potential offence/s may relate to the purchase of alcohol on behalf of those under 18 (proxy purchases), or the sale of nicotine products to those under 18.
- 5.7 If an officer is unsure what specific criminal offence[s] are being investigated, or the penalties for them, legal advice should be taken from a Prosecution Lawyer, (see Appendix 3) who will identify any criminal offences arising out of the facts of the investigation at that stage. If no offence is identified, Directed Surveillance will not be permitted, but see also below.

- 5.8 Before proceeding with an application for the authorisation of Directed Surveillance, an applicant officer must also consider whether the proposed action is proportionate (as well as necessary) to prevent or detect crime above the threshold. Proportionality is discussed in paragraph 13 below, as it applies also to any proposal to use a CHIS.
- 5.9 Directed Surveillance cannot be used by local authorities to investigate low level offences such as littering, dog fouling and fly-posting, but there may be cases where the offence causing concern fails to pass the minimum RIPA crime threshold, but officers wish to take action to carry out their duties and protect local residents from harm to their social, economic or environmental well-being.
- 5.10 To avoid exposing the Council to the risk of reputational harm, or damages or costs, officers should seek advice as to whether it may be possible to satisfy the requirements of ECHR Article 8 (2) by alternative means.
- 5.11 The effect of RIPA section 80 is to make authorised surveillance lawful, but it does not make unauthorised surveillance unlawful. The Council reserves its right to exercise individual discretion, if presented with facts that justify an alternative view or approach, where a case lies outside the ambit of the RIPA regime and controls.
- 5.12 In such cases, the Council will work in line with its policy and procedures on non-RIPA surveillance, and keep appropriate written logs of activity open to scrutiny by the SRO as recommended in Note 80 in OSC 2016 Guidance and Procedures.
6. Directed Surveillance Example
- 6.1 An example of Directed Surveillance is a covert static post e.g. an officer in car outside an address with a camera, to take pictures and/or follow of the target who has claimed Direct Payment, on the basis that s/he is severely disabled to the extent that s/he cannot walk unaided and/or drive - but where it is alleged that the disabilities are invented and/or exaggerated.
- 6.2 The surveillance scenario would be covert, being used for a specific investigation and conducted in a manner likely to result in the obtaining of private information about a person (namely their movements/mobility in and around their home address and their daily activities), by video and/or photographic evidence. This operation is a clear example of Directed Surveillance.
7. Communications Data
- 7.1 As a matter of policy and practice, the Council's Communications Data activities have been outsourced to the National Anti-Fraud Network ("NAFN") after a recommendation on a previous inspection. This is accessed via the Council's Designated Person whose details appear in Appendix 4.
- 7.2 The Council's SRO for these purposes is the Head of Litigation and Dispute Resolution and his contact details also appear in Appendix 4.
- 7.3 The Designated Person maintains a separate electronic register from the Council's Centrally Retrievable Records, subject to inspection and procedures in the Communications Data Code of Practice and related legislation.
- 7.4 Any staff considering the use of communications interception or other activity should refer initially to the Trading Standard's Work Instruction October 2013 [NAFN and

Judicial Approval] which is set out in Appendix 5.

8. Covert Human Intelligence Sources [CHIS]

8.1 A CHIS is perhaps more commonly called an “informant”. A person is a CHIS if s/he:-

- (a) Establishes or maintains a personal or other relationship with a person for the covert purpose of facilitating the doing of anything falling within paras (b) or (c);
- (b) Covertly uses such a relationship to obtain information or provide access to any information to another person; or
- (c) Covertly discloses information obtained by the use of such a relationship, or as a consequence of the existence of such a relationship

8.2 The key difference between Directed Surveillance and use of a CHIS is that the first involves the obtaining of private information through covert means, whereas the second involves the manipulation of a relationship to obtain information. As an obvious breach of trust fundamental to personal relationships, this can pose serious danger to the CHIS if it is discovered.

8.3 In order to grant an authorisation for using a CHIS, the Authorised Officer (“AO”), and subsequently a Magistrate, must believe that in addition to the operation being necessary, and proportionate, that:

“arrangements exist for the source’s case that satisfy the requirements of subsection (5) and such other requirements as may be imposed by order of the Secretary of State,” [RIPA 2000, S29(2)(c)]

8.4 “Control” of a CHIS. Subsection (5) requires that arrangements are in place in respect of the CHIS for ensuring that :

- (a) That there will be at all times a “handler” of the specified rank with the relevant investigating authority, with day to day responsibility for the source
- (b) That there will be at all times a “controller” of the specified rank with the relevant investigating authority with the general oversight of the use made of the source
- (c) That the records maintained that disclose the identity of the source will not be available to persons except to the extent that there is a need for access to them to be made available to those persons

“Relevant investigating authority,” means the public authority for whose benefit the activities of that individual as such a source are to be undertaken. (NB: The Council occasionally undertakes joint operations.)

9. Becoming a CHIS and ‘status drift’

9.1 A CHIS may be a member of the public or an officer acting with authority to do so. Common uses of CHIS are the infiltration of a gang e.g. football gangs or an undercover police officer being recruited into a drugs operation/conspiracy.

9.2 Please note that there may be circumstances where a less obvious CHIS exists. Care must be taken to identify that this person is a CHIS, and thereafter follow the correct procedure. An example is where a member of the public has given information, albeit not tasked to do anything with it. Such a person may be a CHIS if

the information that s/he has covertly passed to LBB has been obtained in the course of (or as a consequence of the existence of) a personal or other relationship.

- 9.3 Although not specifically recruited to be a CHIS, such a person may become one. This situation is referred to by the OSC Procedures & Guidance 2016 as the risk of "status drift." Therefore, when an informant gives repeat information about a suspect or about a family, and it becomes apparent that the informant may be obtaining that information in the course of a family or neighbourhood relationship, it is a strong indication that the informant is in reality a CHIS - to whom a duty of care is owed - if the information is then used. Legal advice must always be taken before using or acting on information received in these circumstances.
- 9.4 Becoming a CHIS gives rise to a duty of care owed to that person by the Council who seeks to benefit from their activity, as set out in paragraphs 8.2 and 8.3 above.
- 9.5 Trading Standards regularly undertake covert test purchasing, and task children to request a one-off sale. The Council, in accordance with OSC Guidance, takes the view that such conduct does not constitute a CHIS, as the child does not form any relationship with the target in a one-off sale. However you must consider whether covert test purchasing requires a Directed Surveillance authorisation.
- 9.6 Please note all authorisations for a juvenile CHIS or where confidential information may be obtained MUST be approved by the Chief Executive as Head of Paid Service.
- 9.7 Trading Standards operate policy and procedures based on guidance from their national body.
- 9.8 The use and wearing of recording devices is done in accordance with the College of Policing Body Worn Video Guidance 2014.
10. Requirement to obtain a URN from Legal Services
- 10.1 For Directed Surveillance which satisfies the Crime Threshold Test or for a CHIS, the officer must first obtain a Unique Reference Number [URN] for the operation from a Prosecution Lawyer, prior to the completion and/or submission of an Application for Directed Surveillance and/or CHIS to an AO.
- 10.2 In view of current requirements, the applicant must now answer the following 6 questions within the RIPA Request Form:-
- i) Is DS/CHIS for the Prevention or Detection of Crime?
 - ii) Specify the criminal offence[s] being investigated and the statute[s]
 - iii) For Directed Surveillance only, does the criminal offence[s] meet the Crime Threshold Test (at least the 6 months maximum sentence); or
 - iv) Is the offence[s] for underage sale/supply of alcohol or tobacco/nicotine?
 - v) (For DS and CHIS) is the action proposed both necessary and proportionate?
 - vi) Have you considered alternatives, who else could be subject to any collateral intrusion and how this could be minimised?

- 10.3 On receipt of the RIPA URN Request Form, the Prosecution Lawyer will consider the contents; allocate an URN from the electronic Central Retrievable Record of Authorisations kept and maintained by him; input the data from the RIPA Request Form into the said register; complete the RIPA URN Request Form and email it back to the applicant and AO named on the form.
11. Role of Authorising Officers [AOs] and the special role of the Chief Executive
- 11.1 A designated person called the “Authorising Officer” has the power to grant authorisations to carry out Directed Surveillance or CHIS. An applicant should always obtain authorisation from one before seeking judicial approval from the court. Those currently able to act as Authorising Officers for the Council are named in Appendix 2.
- 11.2 Note the on-going duties of Authorising Officers are described by OSC thus: “Responsibility for authorising an activity always remains with the Authorising Officer” – even after judicial approval. This includes reviewing and renewing authorisations as appropriate, and cancelling them promptly once the operation has been completed, rather than waiting for the whole remaining time to run out.
- 11.3 AOs are urged not to “restrict contemplation to the type of tactic rather than the specific facts of the activity. It is unwise to approach RIPA ... from the perspective of labels.” There is a big difference between the type of operations conducted by the police and those run by Trading Standards.
- 11.4 It is the statutory responsibility of the Authorising Officer to establish that proposed action is both necessary and proportionate, whereas the role of the applicant is to present the facts, giving details of the crime, proposed activity, and justification for acting covertly etc.
- 11.5 Authorising Officers should set out in their own words that s/he is satisfied or believes how and why the activity is necessary and proportionate. AOs should routinely state “who, what, when, where, how” i.e. who is to be the target of the surveillance; what action is being authorised; when it is to take place; where or at which location; and how the activity is to be done. Care must be taken over the use of words that could unintentionally limit the action – for instance using ‘and/or’ to permit both alternatives may be necessary to avoid unintended limitation - as wording in authorisations permitted by the court will be strictly construed.
- 11.6 A copy of the Authorisation Form is to be handed to the magistrate who considers the application. The AO will retain the original for safekeeping in the Council’s RIPA records.
- 11.7 Authorising officers must conduct reviews of the activity as deemed necessary. The timing of such reviews must not be standardised or delayed, but as individual circumstances dictate and as seems prudent given the participants. Records of these reviews and issues considered must be recorded and available for inspection by the SRO and OSC.
- 11.8 The Chief Executive (“CEO”) is one of the Council’s Authorising Officers, and, as Head of Paid Service, is the only one competent to approve any action or operation that involves the recruitment of a juvenile CHIS, or any other vulnerable person, or where the surveillance may result in the Council obtaining access to legally privileged or confidential information.
12. The Two Mandatory Tests for Directed Surveillance & CHIS

Necessity

- 12.1 An AO shall not grant an authorisation for the carrying out of Directed Surveillance and/or CHIS for a local authority unless s/he believes that the authorisation is necessary for the Prevention or Detection of Crime. In the case of Directed Surveillance, it must also meet the crime thresholds set out in para 4.4 above. The AO must carefully explain in writing why it's necessary to use the covert techniques requested.

Proportionality

- 12.2 An AO shall not grant an authorisation for the carrying out of directed surveillance and/or CHIS unless s/he also believes that the authorisation is proportionate to what is sought to be achieved [RIPA 2000, Ss 28(2)(b) & 29(3)].

13. Proportionality – striking the balance

- 13.1 This involves thinking about how far it is necessary to go to achieve an objective. The officer must show s/he has balanced a number of factors:

The seriousness of the intrusion into the private or family life of the target - and any other person likely to be affected (collateral intrusion);

AGAINST:

- the gravity and extent of the perceived mischief;
- the size and scope of the surveillance;
- the need for the activity in operational terms;
- the benefit expected from it;
- alternative (possibly less intrusive) methods of getting the information;
- how to mitigate any intrusion.

- 13.2 In simple terms – officers CANNOT use a 'sledge hammer to crack a nut'.

- 13.3 Officers must explain why the particular covert method, technique and tactic is an appropriate use of RIPA and a reasonable way of achieving the desired objective. In particular, officers must explain why the intended surveillance will cause the least possible intrusion, and what alternative options have been tried or considered and why they were unsuccessful or not considered suitable (See Note 73 of the OSC 2016 Procedures & Guidance and paragraph 4.6-4.7 of the 2018 revised codes).).

14. Judicial Approval

- 14.1 An Authorisation (or Renewal) for Directed Surveillance, or a CHIS does not become activated until judicial approval has been obtained in writing from a Magistrate/District Judge and is both dated and timed.

- 14.2 In order to apply for Judicial Approval, the applicant must do the following:-

- a) Email the Single Point of Contact [SPOC] at Willesden Magistrates Court [WMC]
- b) SPOCs remain Andrew Wood [andrew.wood1@justice.gov.uk]

- c) The email must request a listing for an Application for Judicial Approval for a RIPA Application/Renewal.
- d) Please ensure that sufficient notice is given to the court to list the matter prior to the date you wish to commence the operation
- e) Complete Form Annex B, page 1
- f) Please note all the information set out in the "Summary of Details," should also be contained in the Application/Renewal/Authorisation Form too, or the Application will NOT be granted
- g) Please note that the applicant cannot solely rely on the details provided during his Evidence to the Court. Instead all relevant information must be set out in writing in the Application and Form B
- h) Attend WMC for the Applications Court at the allotted time [i.e. 9.30am or 1.30pm]
- i) Officers must take the Original Application/Renewal/Authorisation and copies along with 2 copies of the Judicial Approval Form Annex B
- j) Provide a set of papers to the Court Clerk at least 30 minutes before the hearing, so the Magistrate/ District Judge can consider the paperwork prior to the hearing
- k) When the hearing commences, the Applicant must swear on oath OR affirm
- l) The Applicant is to identify him/herself by name, post and employer
- m) The Applicant should introduce it as an Application for Judicial Approval for RIPA Authorisation or Renewal
- n) The Applicant should introduce him/herself as the officer who has completed the paperwork for LBB and the Court
- o) S/he should Identify that the Application/Renewal etc was granted by LBB's AO [give name] on date and time and state the role/position of the AO
- p) The Applicant should state that s/he wishes to obtain Judicial Approval for Directed Surveillance or use of a CHIS [Section 38 POFA].
- q) The Applicant should inform the Magistrate/District Judge that s/he has partly completed Form Annex B page 1.

14.3 Factors to be considered by the Magistrate/ District Judge

The Magistrate /District Judge MUST be satisfied that:-

- i) There were reasonable grounds for the local authority to believe that the Authorisation/Renewal etc was necessary and proportionate;
- ii) There remain reasonable grounds for believing that these requirements are still satisfied at the time of the application to the Magistrate/ District Judge ;

- iii) Has the Application/Renewal etc been authorised by an appropriate Authorising Officer?
- iv) Has the Authorisation etc been made in accordance with any applicable legal restrictions e.g. has the Crime Threshold Test clearly been met?
- v) In the case of a CHIS, were there reasonable grounds for believing that the arrangements exist for the safety and welfare of the source, AND that there remain reasonable grounds for believing that these requirements are satisfied at the time when the Magistrate/District Judge is considering the matter.

14.4 Outcomes

There are 3 possible outcomes for an Application for Judicial Approval:-

1. Box 1 --> Application Granted --> effective from that date and time
2. Box 2 --> Refuse to grant or renew the Authorisation [Applicant can then re-apply once the gap/error has been corrected]
3. Box 3 --> Refuse to grant or renew the Authorisation AND quash the AOs Authorisation

[Please note the Magistrate/District Judge can only quash the Authorisation if the Applicant has had at least 2 business days' notice, from the date of refusal, in which to make representations against the refusal]

14.5 Procedure once Judicial Approval Granted

- 14.5.1 If granted, the Authorisation/Renewal will be dated and timed, and the 3 months (for DS) or 12 months (for a CHIS) validity will run from this date and time.
- 14.5.2 The Magistrates will keep a copy of the completed and signed Form Annex B
- 14.5.3 The Applicant will be provided with the Original signed version of Form Annex B.
- 14.5.4 If the Application is for Directed Surveillance or CHIS, please provide the Prosecution Lawyer with the Original Judicial Approval Form Annex B within 14 days, and retain a scanned copy in your electronic investigation file as a record and in order to fulfil Disclosure obligations if the matter proceeds to a criminal prosecution.
- 14.5.5 Please note that the Authorisation will automatically expire unless a Renewal Application is made prior to its expiration and Judicial Approval is also obtained.
- 14.5.6 Applicants and AOs should be proactive about diarising, renewing and cancelling authorisations as appropriate.

15. Forms to be used

- 15.1 The following link should be used at all times, to access the Home Office's website RIPA Form page:-

<https://www.gov.uk/government/collections/ripa-forms--2>

- 15.2 Separate Directed Surveillance and CHIS forms can be found here, as can forms required for the renewal and cancellation of both types of activity.
- 15.3 Care should be taken with these forms, as they have not been revised since 2007 and cover the circumstances for a wide variety of other bodies, including the Police and Security Services.

16. Other useful definitions and guidance

Confidential Information

Confidential personal information (such as medical records or spiritual counselling, confidential journalistic material, confidential discussions between Members of Parliament and their constituents), or matters subject to legal privilege [solicitor and client]. Unwarranted access to them during an investigation may be grounds for cancelling the Authorisation.

Duration of Authorisation

3 months for Directed Surveillance (“DS”) or 12 months for a CHIS from grant of Judicial Approval, but only one month for a juvenile CHIS.

Reviews

Regular reviews are required once the authorisation has been granted, the frequency should be determined by the AO. If it is intended to be a short operation, a timely review should be conducted shortly thereafter, to determine if the authorisation is still required or if the operation is complete, which would then require the operation to be cancelled [see below].

Renewals

Renewals must take place prior to the authorisation expiring; otherwise, the authorisation will automatically expire after 3 months. Please note, Judicial Approval is required for a Renewal and the Applicant must follow the procedure set out above. Please factor in sufficient time to obtain it well before the Authorisation expires.

Cancellation

The officer has a duty to request the AO to cancel the authorisation, where the authorisation no longer meets the criteria upon which it was originally authorised i.e. the test purchases are undertaken within 14 days, thereafter the authorisation is no longer required. In such cases, it is not permissible (nor good practice) to let the authorisation run on until its natural expiry. Officers must be pro-active in this.

17. Central Record of Authorisations

- 17.1 A Centrally Retrievable Record (“CRR”) of all authorisations is held by the Council and regularly updated whenever an authorisation is granted, renewed or cancelled. The record should be made available to the relevant Commissioner or an Inspector from the OSC upon request. These records should be retained for a period of at least 7 years from the ending of the authorisations.

- 17.2 London Borough of Brent (“LBB”)’s CRR of all authorisations is kept and maintained by the Principal Prosecution Lawyer. Please see paragraph 10 regarding the mandatory requirement to complete a RIPA Request Form to obtain an URN from him.
- 17.3 All original applications, reviews, renewals and cancellation forms are to be served by hand, on the Principal Prosecution Lawyer within 14 days of grant of Judicial Approval, to be stored in locked cabinets. On receipt, the relevant information is inputted, so as to update the CRR of Authorisations.
- 17.4 To avoid any suggestion that an authorisation has been simply signed off by an AO, it is recommended that a copy is retained with the AO’s ‘wet signature’ i.e. original handwritten one, not merely a typed, or machine-prepared one. The Council must be ready to provide the relevant witness if authenticity is ever questioned in Court.
- 17.5 As recommended by the OSC, the Council will maintain a separate auditable record of any decisions and actions under RIPA available to the SRO for scrutiny.
18. Senior Responsible Officer (SRO)
- 18.1 Under the relevant Regulations the SRO is responsible for:-
- the integrity of the process in place within the public authority for the management of CHIS;
 - compliance with Part II of the Act and with the relevant Code Of Practice
 - prompt reporting of errors to the IPC and the identification of both the cause(s) of errors, and the implementation of the processes to minimise repetition of errors,(an example of such an error would be carrying out surveillance without authorisation);
 - engagement with the IPC inspectors when they conduct their inspections, where applicable; and
 - where necessary, oversight of the implementation of post inspection action plans approved by the IPC.
- 18.2 Within a Local Authority, the SRO must be a member of the corporate leadership team, and is responsible for ensuring that all AOs are of an appropriate standard in light of any recommendations in the inspection reports prepared by the IPC. To avoid role conflict, the SRO should never act as an AO.
- 18.3 Please see Appendix 1 for the current SRO details.
19. RIPA Reviews/Reports
- 19.1 Given the substantial reduction in the use of RIPA powers since 2013, LBB only hold meetings to review the operation of RIPA as and when deemed necessary by the SRO, or if requested by the AOs or any Head of Department using RIPA. Reports are made to the Corporate Management Team as necessary.
- 19.2 It is intended that members will receive a report at least annually to allow them to consider and review the adequacy of the Council’s policy and practice on RIPA matters. The Council’s policy and procedures are reported to Cabinet for formal approval, and the Audit and Standards Advisory Committee will oversee the Council’s use of RIPA by carrying out a high level annual review.

20. The use of the internet and social media for investigative purposes
- 20.1 With advances in technology making it easier, quicker and increasingly popular for individuals to share personal information on-line, the opportunities to use that information for research, investigative or other official purposes are expanding too.
- 20.2 However, it is important to appreciate that the considerations of privacy which arise in the physical world also arise in the on-line world. In other words, there are rules and there are limits.
- 20.3 Just because the content of many social media sites and other information on the internet is freely accessible does not mean that officers can openly access such information without careful regard to the constraints and requirements of the law.
- 20.4 Repeated or systematic viewing, collecting or recording of private information from 'open' on-line sources (such as Facebook, Twitter, Snapchat and LinkedIn), including information relating to the interests, activities and movements of individuals, and others associated with them, could be regarded as a form of covert surveillance.
- 20.5 In addition, it is likely that individuals will have a reasonable expectation that their information is not used for surveillance purposes by public authorities and therefore may complain that their privacy and human rights have been infringed.
- 20.6 Initial research of social media to establish or check some basic facts is unlikely to require an authorisation for directed surveillance, but repeated visits to build a profile of an individual's lifestyle etc. is likely to do so depending on the particular facts and circumstances. This is the case even if the information is publicly accessible because the individual has not applied any privacy settings.
- 20.7 The creation of fake profiles or any attempt to make 'friends' on-line for the covert purpose of obtaining information may constitute directed surveillance or, depending on the nature of the interaction or the manipulation of the relationship, a CHIS. An example would be where officers create fake profiles to investigate someone suspected of selling counterfeit goods.
- 20.8 Any officer wishing to deploy such tactics as part of an investigation must remember Before seeking internal authorization and judicial approval, any evidence collected May be deemed inadmissible in any subsequent prosecution. Cases should be Carefully considered on an individual basis, and the issues of necessity and Proportionality always borne in mind. Note 289 of the OSC Procedures and Guidance contains more practical guidance. The above position is also reiterated in the revised codes published in August 2018 at paragraphs 3.10-3.17.
- 20.9 It is also important to appreciate that if officers obtain, use or even merely store information about individuals they will have to comply with data protection legislation It should be noted that the information the Council collects about individuals, how it collects it and uses it will have to comply with stricter transparency and accountability rules under Data Protection Act 2018 and General Data Protection Regulation (GDPR). Readers are referred to the Council's Data Protection Policy and all the other related Council Information Governance policies .
21. Training & Monitoring

- 21.1 In order to be an AO, all officers must have attended a suitable training course. Any new AO will be appointed by the SRO, who will ensure that all AO's receive regular updates and training, as and when required. All officers utilising RIPA for Directed Surveillance and/or CHIS must also have attended a suitable training course.
- 21.2 Whilst undertaking audits of the RIPA CRR of Authorisations and RIPA forms, the SRO will identify any training needs for staff and/or monitoring issues, to be raised either with individual AO's and/or at any RIPA Meetings.
- 21.3 The Council's policy commitment is that RIPA training will be provided to staff every three years. However, where staff already receive training as part of their professional accreditation, (e.g. ACFS or ACFP) that can be taken into account when assessing their needs.

22. Investigatory Powers Commissioner (IPC) previously the OSC

- 22.1 The IPC is now the supervisory body for RIPA and deals with the following, in particular:-
- Requests for RIPA Statistical Information twice per year [March & December]
 - Inspections of Local Authorities including LBB usually every 2 to 3 years
 - Publication of regular reports on RIPA activity
- 22.2 The OSC also published a Procedures and Guidance booklet on the use of RIPA by public authorities, most recently in 2016 (2016) . These are also reflected in the revised codes published by the Home office in August 2018 . The OSC Procedures and Guidance can be found at:
- <https://osc.independent.gov.uk/wp-content/uploads/2016/07/OSC-Procedures-Guidance-July-2016.pdf>

It has no binding legal authority, and merely expresses the opinions of the OSC . But inspections will be conducted in accordance with its recommendations, and it recommends that all AOs should have a personal copy for reference.

23. Collaboration with other authorities/agencies

- 23.1 The Council will endeavor to conclude written collaboration agreements with any other authorities with whom it works regularly, such as the Police or neighbouring Trading Standards Authorities as recommended by OSC 2016.
- 23.2 Prior to any activity, where the Council uses external partners or agents, as advised in OSC 2016 para 112, the Council will seek their written acknowledgement that they:
- Will act as an agent of the Council, and
 - Have seen the written Authorisation for the activity they are undertaking, and
 - Will comply with the specific requirements permitted by the Authorisation, and
 - Recognise they may be subject to inspection by the OSC for RIPA activity.

24. Codes of Practice

- 24.1 The Home Office publishes Codes of Practice giving guidance on the use of RIPA by public authorities. The current editions were published in 2018 pursuant to section 71 of RIPA 2000. There is a separate Code concerning Communications Data which is

not covered in this Policy.

- 24.2 Unlike the OSC guidance, the **Home Office Codes are admissible in evidence** in any court proceedings, and **must be taken into account**. Public authorities like the Council may be required to justify the use, granting or refusal of authorisations by reference to the Codes.
- 24.3 Care must be taken when referring to the Codes over the terminology used, and to their applicability to the Council. The Codes provide guidance to a much wider range of public authorities than the Council. Unfamiliar terms like “relevant sources” may not apply to the Council at all, and may confuse the lay reader. Please ensure you seek legal advice on correct interpretation before applying advice you may find there.
- 24.4 The two Revised Codes now in force and of concern to the Council are accessible through the Home Office website:

Covert Surveillance & Property Interference Code of Practice
Covert Human Intelligence Sources

<https://www.gov.uk/government/publications/covert-surveillance-and-covert-human-intelligence-sources-codes-of-practice>

APPENDICES

APPENDIX 1: Senior Responsible Officer (SRO) Contact Details

Debra Norman, Director of Legal Services and Human Resources and Monitoring Officer: Debra.Norman@brent.gov.uk; 020 8937 1578

APPENDIX 2: List of Authorising Officers and Contact Details

Carolyn Downs, Chief Executive/Head of Paid Service: Carolyn.Downs@brent.gov.uk; 020 8937 1101

Conrad Hall, Chief Finance Officer: Conrad.Hall@brent.gov.uk; 020 8937 6528

Chris Whyte, Operational Director Environment Services: Chris.Whyte@brent.gov.uk; 020 8937 5342

Simon Legg, Head of Trading Standards: Simon.Legg@brent.gov.uk; 020 8937 5522

APPENDIX 3: Prosecution Lawyers

Tola Robson, Principal Lawyer : Omotolani Robson: Omotolani.Robson@brent.gov.uk; 020 8937 1455)

Priscilla Pryce, Senior Legal Assistant: Priscilla.Pryce@bent.gov.uk; 020 8937 4330

APPENDIX 4: Communications Data Senior Responsible Officer (SRO) and Designated Person Contact Details

Communications Data Senior Responsible Officer (SRO): Arnold Meagher, Head of Litigation and Dispute Resolution: Arnold.Meagher@brent.gov.uk; 020 8937 2166

Communications Data Designated Person: Simon Legg, Head of Trading Standards: Simon.Legg@brent.gov.uk; 020 8937 5522

Other appendices (not attached to this document as per paragraph 3.1 of the Review of the Use of the Regulation of Investigatory Powers Act (RIPA) Powers in 2018 report):

APPENDIX 5: Trading Standards' Work Instruction 2013 (NAFN & Judicial Approval)

APPENDIX 6: RIPA URN Request Form

APPENDIX 7: Annex B – Judicial Approval Form

APPENDIX 8: Home Office Directed Surveillance Authorisation Form

APPENDIX 9: Home Office CHIS Authorisation Form

APPENDIX 10: RIPA Decision Chart

Do you use the internet and social media to obtain information about others?

If you use the internet and social media to obtain information about others, make sure you are aware that you need to comply with legal rules and follow council procedures.

With advances in technology making it easier, quicker and increasingly popular for individuals to share personal information on-line, the opportunities to use that information for research, investigative or other official purposes are expanding too.

However, it is important to appreciate that the considerations of privacy which arise in the physical world also arise in the on-line world. In other words, there are rules and there are limits.

Just because many social media sites and other information on the internet is freely accessible does not mean that officers can openly access such information without careful regard to the constraints and requirements of the law.

How do I know if I need to comply with the law?

Repeated or systematic viewing, collecting or recording of private information from 'open' on-line sources (such as Facebook, Twitter, Snapchat and LinkedIn), including information relating to the interests, activities and movements of individuals, and others associated with them, could be regarded as a form of covert surveillance.

In addition, it is likely that individuals will have a reasonable expectation that their information is not used for surveillance purposes by public authorities and therefore may complain that their privacy and human rights have been infringed.

Initial research of social media to establish or check some basic facts is unlikely to be a problem but repeated visits to build a profile of an individual's lifestyle etc. is likely to assume legal significance depending on the particular facts and circumstances. This is the case even if the information is publicly accessible because the individual has not applied any privacy settings.

REMEMBER: There are legal rules governing the use of covert surveillance by local authorities. It has to be appropriate and proportionate, authorised in writing by a senior officer first and, in some circumstances, approved by a magistrate too (see here for a short guide on the law: [RIPA Short Guide.7July2017.pdf](#)).

The council is regularly inspected by an external organisation to check that these rules are followed. The concern expressed by this Government watchdog is that whilst regulatory officers working in council trading standards and benefit fraud teams will be familiar with the rules and procedures, others such as social workers who may only occasionally and acting on their own initiative use social media sites to mine for information for safeguarding and other legitimate purposes may not be.

It is also really important to appreciate that if you obtain, use or even merely store information about individuals you have to comply with data protection rules. And, [as recently published on the intranet and on Yammer](#), with less than a year before the council will have to comply with new data protection laws, the information the council collects about individuals, how and why will have to comply with stricter transparency and accountability rules.

So what do you need to do?

It would be really helpful if you could discuss and document in your teams when you use the internet and social media sites for investigative, research or other council business. **Please give as many specific examples as you can.** We will then use the information gathered to provide further guidance.



Protocol for use of Brent Council Public CCTV Systems for Covert Surveillance Purposes

Re-issued on 24 September 2018

Why is this protocol necessary?

To ensure that Brent Council complies with:

- its legal obligations, in particular, under the Data Protection Act 1998 and Human Rights Act 1998;
- the requirements of the Regulation of Investigatory Powers Act 2000; and
- the recommendations of the Office of Surveillance Commissioners.

Who has to comply with it?

Anyone requesting to use Brent Council's public CCTV systems for targeted covert surveillance purposes. It applies to both other departments of the Council and external law enforcement agencies such as the Police.

What does it require?

Brent Council will only permit its public CCTV systems to be used for targeted covert surveillance purposes if the CCTV control room staff are provided with **a copy of a signed RIPA authorisation** (redacted if necessary to prevent disclosure of sensitive information) or a completed MPS Form 5429 or an equivalent form confirming that covert surveillance using the Council's public CCTV systems has been authorised.

Tell us if there are any conditions or restrictions relevant to the CCTV surveillance which has been authorised.

A copy of the RIPA authorisation or a completed MPS Form 5429 or an equivalent form will be checked by the CCTV control room staff to ensure that targeted and covert CCTV surveillance is one of the techniques authorised and kept securely by the Council for inspection purposes.

How much detail is necessary?

Wherever possible the RIPA authorisation should state the geographical location, address/es or locality for which targeted covert surveillance is allowed, in sufficient detail to allow the CCTV control room staff to identify the relevant camera/s. Wherever possible the RIPA authorisation should also specify the duration of the surveillance and if there are any restrictions on the number of times surveillance can be carried out. Ultimately, it is the responsibility of the enforcement body to ensure that Brent Council's public CCTV systems are used in accordance with the requirements of the RIPA authorisation.

What about informal requests?

Informal requests for use of Brent Council's public CCTV systems for surveillance purposes or to access CCTV images or, for example, to record CCTV images using mobile phones is strictly prohibited.

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OSC/INSP/075

The Rt. Hon. the Lord Judge
Chief Surveillance Commissioner
Office of Surveillance Commissioners
PO Box 29105
London
SW1V 1ZU

21st November 2016

OSC INSPECTION – London Borough of Brent

1 Date of inspection

Tuesday 8th November 2016

2 Inspector

Graham McCrory

3 Introduction

- 3.1 London Borough of Brent (LBB) is situated in North West London and forms part of outer London. The major areas are Kilburn, Wembley and Harlesden. The Council is situated at the very impressive Civic Centre directly beside the National football stadium at Engineers Way, Wembley. The Council serves a diverse population of approximately 320,000 people with large Indian, Pakistani, African and Caribbean communities. LBB has a mixture of residential, industrial and commercial land and covers an area of almost 17 square miles. The Council is responsible for the delivery of the usual local services such as leisure and culture, rubbish collection, licensing, housing, planning and social care.
- 3.2 The corporate management structure consists of a Chief Executive supported by four Strategic Heads for Resources, Children and Young People, Community Wellbeing, Regeneration and Environment as well as a Director for Performance, Policy and Partnerships. The Chief Legal Officer is nominated as the Senior Responsible Officer in relation to the Regulation of Investigatory Powers Act 2000 (RIPA).
- 3.3 The council, whilst reducing its usage of RIPA powers in recent years, has completed 14 authorisations since the last inspection in 2013.
- 3.4 The Chief Executive and Head of Paid Service is Ms Carolyn Downs and the address for correspondence is Civic Centre, Engineers Way, Wembley, HA9 0FJ.

4 Inspection approach

4.1 The inspection was conducted to examine compliance, policies, procedures, operations and administration in respect of directed surveillance and the use of covert human intelligence sources (CHIS) under the Regulation of Investigatory Powers Act 2000 (RIPA).

4.2 Meetings were held with the following:

- Carolyn Downs – Chief Executive and Head of Paid Services
- Fiona Alderman – Chief Legal Officer (Senior Responsible Officer, SRO and RIPA Monitoring Officer)
- Clorinda Goodman – RIPA Project Manager and Senior Governance Solicitor
- Looqman Desai – Senior Governance Lawyer
- Simon Legg – Head of Trading Standards (Authorising Officer, AO)
- Dave Verma – Audit and Investigations Manager (Authorising Officer)
- Alvin Wakeman – CCTV Control Room Manager

4.3 During the course of the inspection, the following records were viewed:

- Central Record of Authorisation
- Covert Surveillance and Covert Human Intelligence Sources Policy and Procedure Manual
- Directed Surveillance Authorisations
- Directed Surveillance Authorisations and requests from external customers

5 Review of progress on recommendations

5.1 The 2013 inspection made two recommendations.

5.2 1) *That LBB's RIPA Policy be further revised in accordance with paragraph 11 of the (2013) report (insert section to reflect the legislative changes which came into force on the 1st November 2012 Protection of Freedoms Act).*

Completed. See paragraph 6.2 below.

2) *That when authorising directed surveillance for juvenile test purchase operations, greater care is taken to select a more limited number of premises to be tested on the basis of evidence and intelligence pointing to non-compliance on their part.*

Completed. The majority of directed surveillance authorisations since the 2013 inspection have been for juvenile test purchase operations.

On inspection it was noted that intelligence cases were complete for all premises subject to the operation and each premises had been considered on an individual basis.

6 Policies and procedures

- 6.1 It was noted that the Chief Legal Officer is performing a dual role (as well as her other duties), that of Senior Responsible Officer and that of RIPA Monitoring Officer. Whilst this officer is extremely competent and knowledgeable in matters of RIPA and has been very proactive in her role as SRO, such as when convening meetings with AOs to check on training needs, inspection of records and reviews of case law, the Codes of Practice at paragraph 3.34 (surveillance) and paragraph 9.2 (CHIS) state the role of Senior Responsible Officer should be a member of the corporate leadership team. The role has specific responsibilities defined in the relevant Codes, paragraph 3.29 (surveillance) and paragraph 9.2 (CHIS), relating to the integrity, compliance and oversight of the RIPA process. The role of RIPA Monitoring Officer is not defined in the Act or Codes but is often encountered as a role undertaken within the Legal Services department, as is the case here, to provide a more tactical and hands on approach to the process. Whilst the Chief Legal Officer is more than capable of delivering both functions, especially in light of the Council's reduced use of RIPA, she is not a member of the corporate leadership team. Whilst I am confident the Chief Legal Officer can promptly raise any significant issues to a corporate level, the Council may wish to review the appointment to determine if the current arrangements need revising to comply with the Codes of Practice and document its decision and expected satisfaction with the appointment.
- 6.2 The Council now has an appropriate policy document that provides clear and accurate guidance covering the use of RIPA including explanations of relevant legislation and directions on how to complete an application. The Policy document has been reviewed by the Senior Governance Solicitor, Ms Clorinda Goodman, who has been employed by the Council for this specific purpose and to act as 'RIPA Project Manager'. Ms Goodman is well qualified to review the policy, given her previous legal experience and is an academic having attained a PhD, and a double Masters in political and sociological studies.
- 6.3 The Policy document was reviewed and some suggestions offered for 'fine tuning' but overall this is an excellent document. It is very encouraging to see that some guidance has been provided on the use of the Internet and social media for investigative purposes, however as this technique of investigation and research is expanding exponentially with all manner of new technology, further information would benefit investigators. The key consideration when viewing publically available information where no privacy settings have been applied, often referred to as 'open source' material, is the **repeated** or **systematic** collection of private information. Initial research of social media to establish a fact or corroborate an intelligence picture is unlikely to require an

authorisation for directed surveillance; whereas repeated visits building up a profile of a person's lifestyle would do so. Each case must be considered on its individual circumstances and early discussion between the investigator, the RIPA Monitoring Officer and the Authorising Officer is advised to determine whether activity should be conducted with or without the protection of an authorisation. The Council may therefore wish to add to the policy and procedures for the use of the Internet and social media for research and investigation.

- 6.4 Applications for activity under RIPA and subsequent authorisations are completed in hard paper copy with the details and unique reference number for every application recorded on the central record. The central record is maintained by the RIPA Monitoring Officer on an electronic spreadsheet, which has been in existence since the introduction of RIPA. Once an application has been authorised it is taken before a Justice of the Peace for endorsement in accordance with the Protection of Freedoms Act 2012. The central record is currently being reviewed and Mr Looqman (Senior Governance Lawyer) has undertaken to ensure specific details of the judicial approval are inserted within the record.
- 6.5 A formal arrangement exists, through a report to the Cabinet, for elected members to review the Council's use of the Act as required by paragraph 3.35 (surveillance) and 3.27 (CHIS). In addition a yearly 'high level' review is conducted by the Audit Committee.

7 Related training

- 7.1 Training has been a focus for the SRO and the RIPA Project Manager. RIPA training has most recently been delivered by 'ACT NOW Training' in October 2016 for senior officers and to include the Chief Executive and the three AOs. Training records were viewed and it is admirable that the Council has had all officers trained, personally sign an acknowledgement of this, and those training details retained for inspection and the information of the Council. Training was also undertaken in October 2016 for other members of council staff. This training (records similarly inspected) was delivered by Ms Clorinda Goodman, over a two day period, to approximately 20 staff all of whom are involved in enforcement activities. The training was attended by the AOs who gave an input into the training. In addition to discussion forums during the training sessions a number of 'scenario based' case studies were undertaken and prompt or 'flip' cards used to assist in knowledge checks with those staff in attendance. The Council's attitude to RIPA training, the enhancing of its staff skill base and the practical and meaningful nature of the training delivered is to be congratulated. Regular training should be encouraged and continued, especially in the area of Internet investigation and should the Council engage in the use of CHIS.

8 Inspection Findings

Directed Surveillance

- 8.1 The Council explained how a greater use of overt investigation methods and direct enforcement had resulted in less use being made of directed surveillance than in previous years. That said, the Council has completed 14 directed surveillance authorisations since the last inspection. The directed surveillance authorised related mainly to juvenile test purchase operations.
- 8.2 The directed surveillance applications and authorisations were examined and found to have been completed to a good standard. The authorisations had received the required endorsement from a magistrate who had provided, on a number of occasions, the reasoning as "Good information given". When providing the grounds for an application and authorisation as the prevention and detection of crime the crime under investigation including the Act and Section was noted. Explanations of collateral intrusion (obtaining unrelated private information) were detailed and specific to the circumstances. Review dates were timely and cancellations were made almost immediately the authorised activity had ceased or was no longer required. Cancellation statements were detailed and outlined how the activity authorised had assisted the investigation. One area, in an otherwise excellent authorisation process, that the AO may wish to update is when assessing proportionality. It is good practice to state what alternative options have been tried or considered and an explanation of why they were unsuccessful or not considered suitable. The four bullet points at paragraph 3.6 in the Code of Practice should always be taken into account by applicants and Authorising Officers.
- 8.3 One application and authorisation was subject to a presentation during the inspection. The details of the specific operation are not suitable for inclusion in this report given the sensitive nature of the details and the ongoing investigative matters still to be resolved. The application and authorisation process was of a high quality. The considerations before covert activity was undertaken and when authorised were documented in a way that is commendable. Significant legal advice was undertaken and practitioner advice and support sought from the Metropolitan Police. The Chief Executive took a personal interest in the development of the covert tactics by meeting with senior police officers to discuss future steps but in a way that was supportive to the AO and without operational interference. The AO recognised the need to engage with and request practical support from police partners at an early stage and the potential for the use and development of a CHIS operation. Overall the application and authorisation process and the development of the decision log and practical support and guidance was exceptional.

CHIS

- 8.4 The Council has not made any use of CHIS and is unlikely to do so in the foreseeable future. As highlighted previously any potential use of CHIS is subject to early discussion with the Metropolitan Police who would most likely undertake the authorisation process on behalf of the Council. The policy and procedures, and the knowledge of staff as to what constitutes a CHIS is good, but the Council should continue to reinforce this knowledge to ensure there is no 'status drift' when Council employees are engaging with helpful public spirited individuals.

CCTV

- 8.5 The CCTV suite was not visited but a brief meeting was held with Alvin Wakeman, CCTV manager. The Council currently controls approximately 200 cameras. The CCTV manager is supported by seven staff that perform duties as per a scheduled shift pattern with extended hours covered over busy or weekend periods. The CCTV manager reported a good relationship with external organisations who request use of the Council's CCTV facilities. In the main these requests come from the Metropolitan Police or the National Crime Agency (NCA).
- 8.6 I inspected a small number of requests, made by external agencies, for use of the CCTV systems for covert operations and under a directed surveillance authorisation. The authorisation detail contained within some of these forms was lacking and not sufficient enough to identify that CCTV had been authorised as a tactic and which would allow the CCTV staff to satisfy the *R v Sutherland* conditions. It was acknowledged by Mr Wakeman that more detail should be requested and that a stronger and more defined protocol would assist in ensuring this is the case. Mr Looqman assured that the Council was in the process of reviewing the CCTV protocol and the advice given would be taken on board. It is recommended that the revised CCTV protocol should include a requirement that the Council should see the authorisation (redacted if necessary to prevent disclosure of sensitive information) and only allow its equipment to be used in these circumstances.

Focus Group

- 8.7 A small focus group was held with managers (AOs) and the CCTV manager. The nature of some of the current problems and investigations where surveillance may be an appropriate tactic were discussed and it was apparent that the teams are very motivated in their work and keen to explore and develop options to maximise the results of their investigations.

- 8.8 Discussions were held around the use of the Internet and social media. Although some investigation teams may already use these avenues during investigations, they would benefit from additional guidance of what constitutes 'open source' research and what could constitute repeated or systematic intelligence gathering amounting to covert surveillance (highlighted at paragraph 6.3).

9 Conclusions

- 9.1 The London Borough of Brent has been a consistent user of the powers available under RIPA although it has also resorted to the use of overt methods of investigation wherever possible. The use of internet investigations in the future may increase its RIPA authorisations. The training schedule developed, documenting of the AO's decisions and the supportive nature of the Chief Executive and her legal team is to be congratulated. The development of the guidance and policy document, through the employment of Ms Goodman, is yet another area which is to be applauded. The minor advisory points highlighted should enhance what is a well formed RIPA authorisation and governance process.

10 Recommendations

- 10.1 No formal authorisations are required.

Graham McCrory
Surveillance Inspector

	<p align="center">Audit and Standards Advisory Committee 20th March 2019</p>
	<p align="center">Report from the Chief Finance Officer</p>
<p align="center">Corporate Risk Register Update</p>	

Wards Affected:	All
Key or Non-Key Decision:	Non-Key
Open or Part/Fully Exempt: <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
No. of Appendices:	One Appendix A Corporate Risk Register
Background Papers:	None
Contact Officer(s): <small>(Name, Title, Contact Details)</small>	Michael Bradley, Head of Internal Audit 020 8937 6526 Email: Michael.Bradley@brent.gov.uk

1. Summary

- 1.1. This report provides an updated Corporate Risk Register following a review of the effectiveness of the Risk Management approach and a series of workshops with departmental management teams.

2. Purpose of the Report

- 2.1 In accordance with the terms of reference for the Audit and Standards Advisory Committee, the report is presented to *'enable the Committee to monitor the effective development and operation of risk management and corporate governance in the Council.'*

3. Recommendations

- 3.1. The Audit and Standards Advisory Committee note the current corporate risk register and heat map included at Appendix A to this report.

4. Detail

Risk Management Strategy 2017/19

- 4.1. A review of arrangements undertaken as part of this refresh exercise established that risk is well understood across all levels of management.
- 4.2. Connecting risk assessment and management to the Borough Plan is relevant and will be developed as the corporate register evolves.

Corporate Risk Register

- 4.3 A revised Corporate Risk Register has been developed following a series of workshops with departmental management teams. It is presented at Appendix A. There more detailed risk descriptions and associated actions at departmental level.
- 4.4 There are inherent risks which the Council faces which are owned and monitored at Departmental level. These have previously been identified as:
 - Safeguarding (Children and Adults);
 - Business Continuity;
 - Information Governance;
 - Legislative Compliance;
 - Fire safety;
 - Emergency planning;
 - Fraud and Corruption;
 - Financial Stability, and
 - Health and Safety.

The council has separate mitigation plans in place for these known high-profile risks.

- 4.5 These risks will be incorporated into the Corporate Risk Register when net or mitigated risk ratings are deemed to be of a level that exceed the appropriate tolerance. During the course of the workshops for this exercise none of these inherent high risks were currently rated as high risk although risks have been identified which could potentially have an impact on financial stability. As part of the implementation plan and the on-going development of the Risk Management Framework the thresholds for escalation will be reviewed and agreed with Council Management Team and Members to ensure that, for each risk, a specific threshold is set.

5. Financial Implications

- 5.1. There are no specific financial implications arising from this report. Departments assess and manage risks within existing budgets.

6. Legal Implications

6.1. All Local Authorities are required to have in place arrangements for managing risks, as stated in the Accounts and Audit Regulations 20015:

“A relevant authority must ensure that it has a sound system of internal control which:

(a) facilitates the effective exercise of its functions and the achievement of its aims and objectives;

(b) ensures that the financial and operational management of the authority is effective, and

(c) includes effective arrangements for the management of risk.”

7. Diversity Implications

7.1. None

Report sign off:

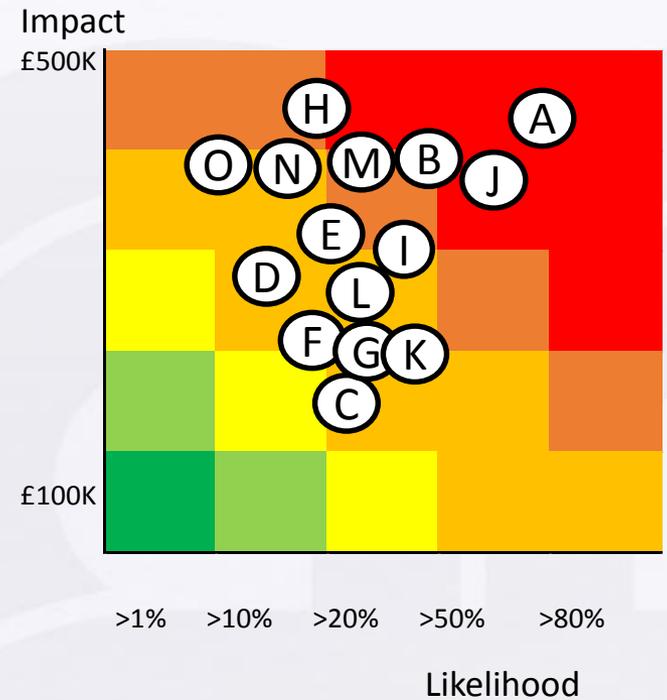
Conrad Hall

Chief Finance Officer

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Corporate Risk Register

- | | |
|------------------------------|--|
| Financial | A. Budget Overspend |
| | B. Savings not achieved |
| | C. Impact of Universal Credit |
| | D. Council Tax Transition |
| Service Delivery/Operational | E. Recruitment, Retention and Training |
| | F. Quality of Service compromised due to savings |
| | G. Digital Strategy |
| | H. Failure to meet demand for social care services |
| | I. Failure to deliver Housing Growth |
| | J. Lack of Supply of affordable accommodation |
| Stakeholder | K. London Borough of Culture |
| | L. Contract Management |
| | M. Consultation with Brent's Communities |
| | N. Brexit - Workforce |
| | O. Brexit - Economy |



Risk Register

Cause, event, consequence

Risk and Trend (cause, event, consequence)	Recent developments, progress and concerns	Actions (names and dates)
<p>A. Budget Overspend</p> <p>Demand for services could increase to levels higher than expected without warning, this would mean that services would be overspent resulting in other efficiencies having to be made or funding be found from elsewhere in the council.</p>	<p>A. There is a strong culture of budget management and the council as a whole has not overspent for 5 years. There is a structure and system in place to ensure that individual budget managers review their financial position, with results aggregated up to departmental and corporate level and reported quarterly to CMT and Cabinet. Reports identify emerging risks and trends as well as the corrective action being taken to address known or forecast overspends. In the current financial climate risks inevitably remain.</p>	
<p>B. Savings not achieved</p> <p>Savings proposals could be subject to delays and unforeseen issues, this would mean that services would be overspent and that we would be unable to manage demand, resulting in other efficiencies having to be made or funding be found from elsewhere in the council.</p>	<p>The council monitors delivery of planned savings and has a track record of achievement of over 95% in year. The systems described above also operate to mitigate this risk.</p>	

Risk Register

Cause, event, consequence

Risk and Trend (cause, event, consequence)	Recent developments, progress and concerns	Actions (names and dates)
<p>C. Impact of Universal credit</p> <p>There is a risk that as a result of the introduction of Universal Credit our rent income will be compromised which will create a deficit in our Housing Revenue Account.</p>	<p>Live roll out of Universal Credit commenced in the Borough and will only affect new claims and those who have any changes to their circumstances post the roll out. A corporate and local implementation plan is in place and is geared up to mitigate some of the key associated risks</p>	<p>Develop management information suite to track the impact of the change. Troy Francis – 30 November 2018</p> <p>Introduce a new IT escalation policy to enable a more responsive approach to arrears management associated with the change. Troy Francis – 30 January 2019</p>
<p>D. Council Tax Transition</p> <p>There are risks around data migration, system availability and printing arrangements. Loss of income due to being unable to issue council tax and Benefits notifications</p>	<p>Council tax transition project team, plan, regular monthly meeting with Capita and an interim manager to be appointed in new year- and management structures will be reviewed and reinforced where necessary.</p> <p>Knowledge transfer sessions being held between Capita and Brent IT staff and plans to recruit staff</p>	<p>Planned early – project kicked off in December 2017 in order to allow sufficient planning and time for a successful migration.</p> <p>Tendering process started in May/June 2018 to allow time for a new contractor to be selected. Project assistant being appointed to assist in implementation.</p> <p>Extend support form Capita.</p>
<p>E. Recruitment and Retention</p> <p>Failure to recruit and retain sufficient permanent staff to a significant number of posts, including senior managers, risks services being impaired and weakened.</p>	<p>Action has been taken to identify 'hard to fill' posts and put in place strategies to address recruitment shortcoming. Eg Social Workers - Overseas recruitment. Housing – additional specialist recruitment resource.</p> <p>Ongoing work is taking place with external agencies to fill a range of HoS posts.</p> <p>The Council's Workforce Strategy addresses the general need</p>	<p>Nigel Chapman ongoing 18/19.</p> <p>Sean Gallagher 18/19.</p> <p>Raj Soni-Alagh 18/19.</p>

Risk Register

Cause, event, consequence

Risk and Trend <i>(cause, event, consequence)</i>	Recent developments, progress and concerns	Actions <i>(names and dates)</i>
<p>F. Quality of Service There is a risk that the quality of service delivery is substantially compromised due to budget savings which would require a service delivery plan to mitigate and remodel the current service.</p>	<p>Alignment of the IAG Corporate and CYP contracts: 2019 - 2021, reduction of the budget would adversely affect delivery in year 2 - 2021.</p> <p>Reduction in service of IAG would negatively impact residents who are 'most in need' of access to a free advice and case assistance service. The majority of service users are from BME communities.</p> <p>The voluntary and community sector needs review is almost complete, the model may require revision to accommodate any savings to grants or infrastructure assistance.</p> <p>Savings to grants supporting community engagement, cohesion, projects and advice provision would negatively impact the services and projects arranged by and delivered to residents locally and via the hubs.</p> <p>Partnership and Engagement team delivery would need to reflect future service delivery requirements – promote and support income generation via SpaceHive, Brent4Communities, Brent Giving, funder networking.</p>	<p>Draft a revised service delivery plan: February – April 2019 (Genevie George)</p> <p>P&E team realign delivery to reflect changes.</p>

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Risk register

Cause, event, consequence

Risk and Trend <i>(cause, event, consequence)</i>	Recent developments, progress and concerns	Actions <i>(names and dates)</i>
<p>G. Delivery of digital strategy There is a risk that due to poor planning and resource the Digital Strategy and Programme is not delivered to budget, and as a result does not meet business requirements and benefits are not realised.</p> <p>Page 213</p>	<p>The programme has a clear strategy and roadmap and a programme management team is in place with work overseen by the Digital Board which meets monthly. A recent audit of the Digital Programme returned a 'reasonable' rating.</p> <p>Recommendations related to enhancing benefits realisation and ensuring structures are in place for the potential roll out of robotics.</p> <p>In addition, all projects within Digital Transformation have been updated to include work stream reporting templates to capture benefits using the headings the auditors recommended.</p> <p>A programme level benefits realisation template against all Digital projects is presented at the corporate landlord board on monthly basis to ensure achievements and benefits are monitored.</p>	

Risk register

Cause, event, consequence

Risk and Trend <i>H (cause, event, consequence)</i>	Recent developments, progress and concerns	Actions <i>(names and dates)</i>
<p>H. Failure to meet demand for social care services</p> <p>Social Care for Children and Adults are demand led services, meaning that demand for services can increase to levels higher than expected without warning, this would mean that services would be overspent resulting in other efficiencies having to be made or funding be found from elsewhere in the council.</p>	<p>Budgets and demand levels are closely monitored through a range of mechanisms, including all spend being agreed by Head of Service or above. Directorates work closely with finance to track trends, and to introduce demand management measures as part of the core service.</p>	<p>No further actions are planned.</p>
<p>I. Failure to deliver Housing Growth</p> <p>There is a risk that as a result of poor staff resourcing the capital building programme will not be delivered within the GLA's required timetable resulting in grant being withdrawn and thus lost to the Council</p>	<p>The Capital residential building programme has significantly increased due to allocation of £65m GLA grant funding. As a consequence a new delivery programme is being developed using far greater resources both internally and externally. Failure to deliver on time remains a critical risk as the GLA reserve the right to withdraw funding if strict timetables are not met.</p>	<p>Review of the Council's development delivery capability and options appraisal – Nick Ljustina/Hakeem Osinaike/Aktar Choudhury – February 2019</p> <p>Procurement of strategic partnership framework – Hakeem Osinaike – August 2019.</p>
<p>J. Lack of supply of affordable accommodation to meet demand</p> <p>There is a risk that as a result of the limited supply of affordable accommodation, both in the PRS and Social Housing there will not</p>	<p>The Housing Needs Team is working with i4B and the Housing Partnerships Team to increase the supply of affordable accommodation for households on low income or dependent on benefit. The Council has also joined the pan London housing initiative – Capital Letters, to increase the supply of PRS accommodation that is made available for homeless households in Brent, as well as amending the</p>	<p>Amendment to i4B business and delivery plan – i4B board.</p> <p>Implementation of Reasonable Rents – Laurence Coaker – April 2019.</p> <p>New Council bid programme – John Magness – April 2020.</p>

Risk register

Cause, event, consequence

Risk and Trend (cause, event, consequence)	Recent developments, progress and concerns	Actions (names and dates)
<p>K. London Borough of Culture</p> <p>There is a risk that due to non-delivery at operational level and/or lack of resident engagement/attendance at events the LB of Culture programme is not perceived as successful, and as a result all the potential benefits are not realised.</p>	<p>Funding applications in train to reduce reliance on Council funding</p> <p>Community fund launched</p> <p>Community Advisors and Young Ambassadors appointed</p>	<p>Application to Paul Hamlin Foundation: Feb 19. LBoc team.</p> <p>Promote community fund in order to secure applications from a wide range of groups and interests: Ongoing. LBoC team.</p> <p>Appointment of curators and cultural partners to ensure high quality programming of cultural events: Ongoing LBoC team.</p>
<p>L. Contract management</p> <p>If the council does not consistently adopt a good standard of contract management, it will fail to maximise the value of its third party spend, with potential adverse impacts on service delivery, reputation and value for money.</p>	<p>New Contract Management Framework / improvement programme set for roll-out</p> <p>New role under recruitment to lead on improvement programme</p>	<p>Recruitment of lead role.</p> <p>Jonathon Noble (Head of Procurement) 1st April 2018</p>

Risk Register

Cause, event, consequence

Risk and Trend <i>(cause, event, consequence)</i>	Recent developments, progress and concerns	Actions <i>(names and dates)</i>
<p>M. Consultation with Brent's communities</p> <p>Failure to effectively consult with Brent residents on significant developments may lead to lack of clarity and support for these developments leading to dissatisfaction with Council activity.</p>	<p>Drop in sessions for residents affected by new developments have been held with senior members and officers. These have proved to be successful and will be designed into future activities.</p> <p>Development of an internal cross-service community engagement Project Team.</p> <p>Internal survey on community engagement with staff to better understand what we do as a Council, and identify good practice.</p>	<p>Development of 'drop in' sessions as part of consultation process.</p> <p>Consultant engaged to work with residents to identify ways forward to enhance and increase engagement. (Appoint Feb '19 to commence March)</p> <p>Survey with staff who are Brent residents.</p> <p>New Community Engagement strategy (Autumn)</p> <p>Strategy action plan. (Autumn)</p> <p>Development of an effective communications strategy using learning from the community engagement review'.</p>

Risk Register

Cause, event, consequence

Risk and Trend <i>(cause, event, consequence)</i>	Recent developments, progress and concerns	Actions <i>(names and dates)</i>
<p>N. Brexit; Workforce</p> <p>EU residents may want to return to the EU as they do not know what their rights are after the UK leaves the EU, or they may not feel welcome. This could impact on our workforce, and that of the our partners, including the NHS and schools, providers, local businesses, and voluntary sector leading to an inability to deliver statutory and other services.</p>	<p>Promotion of the EU settlement scheme to all staff, to our partner agencies, our providers, local businesses, the voluntary sector, and to the public using all channels available</p> <p>HR have put in a temporary process to record the passport held of new starters. This process has been in place since December. HR is also working with services to identify EU nationals in the workforce.</p>	<p>Promotion of the EU settlement scheme through targeted social media campaign, leaflets and posters across the borough and in key places known to be popular with EU nationals</p> <p>Hold an EU settlement scheme information evening and promote widely</p> <p>Develop a more complete profile of Brent Council's European staff</p>

Risk Register

Cause, event, consequence

Risk and Trend <i>(cause, event, consequence)</i>	Recent developments, progress and concerns	Actions <i>(names and dates)</i>
<p>O. Brexit: Economy Changes in the economy and customs regulations as a result of the UK leaving the EU without a deal could lead to delays and increased costs in materials and medicines which will affect delivery of local projects, our local businesses including SMEs and construction firms, and health of our vulnerable residents and could lead to closure of businesses which will impact on our business rates income, viability of capital projects, increased costs or shortages of food impacting both on our poorest residents and food providers, and our vulnerable residents unable to get the medicines they need</p>	<p>Through our business board, we maintain a dialogue about Brexit and any concerns</p> <p>The government has implemented a nationwide approach to ensure there is no shortage of medicines and vaccines due to Brexit. Pharmaceutical companies that supply the UK with prescription-only and pharmacy medicines from, or via, the EU or European Economic Area (EEA) have been asked to ensure they have a minimum of six weeks' additional supply in the UK, over and above their business as usual operational buffer stocks, by 29 March 2019. Companies were also asked to make arrangements to air freight medicines with a short shelf life, such as medical radioisotopes. Government funding has been made available for companies that need additional storage for these stockpiled medicines. The government is also making plans around delays at ports, etc. The government has asked all other health and care providers not to stockpile their medicines, and to reassure patients there is no need to store additional medicines at home.</p>	<p>Where possible, source alternative providers for goods, or incorporate longer delivery times into projects</p> <p>Escalate provider, businesses, and voluntary sector concerns through the appropriate channels</p> <p>Re-iterate the Mayor of London's message "London is Open", and more specifically, "Brent is Open".</p> <p>Write to social care providers re-iterating government advice and the EU settlement scheme, and asking providers to share their business continuity plans with us</p>

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 Brent	Audit And Standards Advisory Committee 20 March 2019
	Report from the Chief Finance Officer
London Counter Fraud Hub – Proposal to enter into contract	

Wards Affected:	All
Key or Non-Key Decision:	Non-Key
Open or Part/Fully Exempt: (If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)	Open
No. of Appendices:	None
Background Papers:	None
Contact Officer(s): (Name, Title, Contact Details)	Conrad Hall, Chief Finance Officer 020 8937 6528 Email: Conrad.Hall@brent.gov.uk

1.0 Purpose of the Report

- 1.1 To brief the Audit and Standards Advisory Committee on the “London Counter Fraud Hub” and to note that, subject to comments made, the Council is considering entry into the contract as a Participating Authority and award a contract to the provider of the Hub, which would be by way of the an individual Cabinet Member decision.

2.0 Recommendations

- 2.1 The Audit and Standards Advisory Committee note the information provided and that, subject to comments from the Committee, the deputy Leader (and Lead Member for Finance) proposes to make the following decisions
- 2.2 The council joins the London Counter Fraud Hub as a participating authority through the collaborative contract let by the London Borough of Ealing and awarded to CIPFA Business Ltd (“the Agreement.”)
- 2.3 The council authorises the provision to the Hub of council data to CIPFA for the purposes of preventing and detecting fraudulent or erroneous activity.

2.4 The council notes that the contract will be for a period of seven years without break clauses.

3.0 Reason for Decision and Options Considered

3.1 The London Counter Fraud Hub is a data sharing collaboration across London local authorities to prevent and detect fraud. It consists of a data analytics engine in which data from the local authorities and from third parties is processed. Cases that are identified as potentially fraudulent are notified to the local authorities for investigation through a web-based case management system. The intention is to create a state of the art data analytics tool to identify potential fraud for investigation. This should provide real-time updates to fraud investigators and, on the face of it, could provide an effective means of fighting fraud.

3.2 The existing (biennial) data matching tool most similar to this is the National Fraud Initiative. Participation in this remains a statutory requirement. For the Hub to work successfully, local authorities in London will export data into the Hub which will be checked against other easily available data sets. The Hub will then return prioritised lists of apparent anomalies such as someone claiming single person discount at an address at which more than one adult is registered.

3.3 Data quality is therefore key to the success of the Hub and it is recognised that, as with all data matching exercises, this will be a potential limitation to the success of the project. However, the feedback provided should enable the council to improve its own data quality and so, in turn, lead to more accurate identification of potentially fraudulent activity as well as ancillary improvements to other services.

3.4 Another critical success factor will be the reliability of the potential leads provided. It will always be the case that some, apparently anomalous, activity that may be fraudulent will, on investigation, prove to have a perfectly reasonable explanation. For the concept to work successfully the Hub will need to be able to meet defined standards of reliability for the hits provided, and to be capable of refinement over time so that, as operational knowledge is fed back to the system, it becomes more accurate.

3.5 To test these, and other important criteria, the Hub has been piloted with four London local authorities: Camden, Islington, Croydon, and Ealing. The pilot included three fraud types: council tax, housing and business rates fraud. It is planned that the Hub will be expanded to cover a wider range of fraud risks such as Blue Badge, Taxi Card and Freedom Passes.

3.6 The pilot suggests that the Hub will generate substantial revenue streams through the recovery of monies lost to fraudsters. In a full year of operation, if all expected boroughs participated, CIPFA, in conjunction with the pilot authorities, estimate that the Hub will generate London-wide savings of between £15m (worst case) and £32m (best case) in total across council tax, business rates, and housing fraud types. The same estimate applied to Brent would produce a gross saving of between £0.4m and £0.9m but, for the reasons set out in this report, officers' recommend that much lower figures are used in the cost/benefit analysis for Brent. As with existing measures for the cost of fraud, this will not translate directly into cashable savings on a pound for pound basis, but there will clearly be an element of the cost of the fraud identified that

can be cashed in this way. The final number of participating councils is not confirmed at the time of writing.

- 3.7 The Hub serves to increase the local tax base by removing fraudulently claimed discounts and reliefs (e.g. single person discount on council tax, small business rate relief), and, for business rates, additionally identifying property not yet in rating. As single person discount is invariably low in value per transaction the only economic way to follow up potential matches is through automatic processes such as standard system-generated letters (which is what happens at the moment for potential cases that are identified). For the LCFH to work effectively it will therefore need to demonstrate that it can interface with the council tax system and that a high proportion of the potential matches it identifies are indeed those where SPD is being claimed wrongly. Otherwise, the automatic letter generating process may create substantial casework from people wrongly identified as incorrectly claiming SPD, rather than an acceptable minimum of residents being inconvenienced in this way. This has been tested carefully as part of the pilot evaluation.
- 3.8 The pilot has shown that, at each of the four pilot authorities, an interface was built successfully between the LCFH and the council tax system. Three of the four pilots operate the same council tax system (Northgate) as Brent. Although they will be using slightly different instances of the software there is therefore a reasonable basis to assume that this could also be achieved at Brent, although risk assessment measures will be required to identify possible incompatibility with our systems. Northgate will remain as Brent's council tax system once the service returns in house from April 2019.
- 3.9 The pilot has claimed that, on average, 36% of potentially fraudulent matches identified for SPD were, in fact, fraudulent. This means that for every 100 letters automatically generated by the system 97 will go to residents with valid and genuine claims for SPD. The wording of the letter will therefore need to be drafted sensitively, balancing the need to take a robust line on potential fraud without creating upset for genuine claimants. Experience shows that most residents do not object to properly worded communications like this, and there will need to be a simple process to enable residents with valid entitlements to ensure that their claims can continue uninterrupted.
- 3.10 The exact timing of going live with this aspect of the system would need careful consideration, given the plan to in-source the service provision from May 2019. Most probably a go live date in around January 2020 would be the most sensible way to mitigate possible risk.
- 3.11 The Hub will help to identify council housing that is potentially being fraudulently sub-let, making it unavailable for homeless families. Based on the pilot results in a full year of operation the Hub will potentially identify between 1,532 homes (worst case) or 2,553 homes (best case), or around 50-77 homes per council. Brent recovered 73 council houses in 2015-16, 52 in 2016-17 and 42 in 2017-18. The council expects 39 fraudulent tenancy recoveries in 2018-19, from unlawful sub-letting, non-residence and abandonment. At this stage it is not clear as to what extent the 50-77 figure implied by the pilot is additional to these or inclusive of them. In order to ensure that this evaluation is not unreasonably optimistic the lower (i.e. the inclusive) figure has been assumed. Using the recovery rate of the last two years, this means that the hub, based on the pilot results, would identify between eight and 22 additional cases of illegal sub-

letting each year. (NB the pilot results assumed 33 councils – we are informed that it will be a maximum of 29 at time of writing.)

- 3.12 As the Hub expands its activities to cover more fraud types, it will have the potential to generate more revenues. In addition, the Hub has been designed so that its performance should improve over time as it ingests more data and improves its algorithms for finding fraud. It is important to note that the effectiveness of the Hub depends in part on the participation of as many London boroughs as possible, in order to improve its potential for data matching and fraud investigation.
- 3.13 The council currently delivers counter fraud work in relation to these areas through the work of a dedicated counter fraud and investigations function comprising a Fraud Manager, six investigators and an admin/intelligence officer. SPD is investigated via NFI data and separate proactive exercises. Housing tenancy fraud is a large part of the team's workload. Business rates has not been a priority fraud category; some proactive and reactive work has substantiated this approach, although arguably this indicates that the new approach provided by the LCFH will be a useful addition to the tools available to the Investigation unit.
- 3.14 These arrangements have successfully helped the authority to identify substantial amounts of fraud, as set out in quarterly reports to the Committee. The expectation is that the Hub, once the concept has been proven, will provide a further source of leads to follow up, leading in turn to the identification of more fraud. It will be critical that the Hub can provide an effective and prioritised list of potential leads. If it cannot, there is a risk that resources will be spent pursuing cases that do not contain any fraud.

4.0 Background

- 4.1 It is estimated that, at a national level, fraud costs local authorities £2.1bn a year. Every £1 that a local authority loses to fraud is £1 that it cannot spend on supporting the community. Fraudsters are constantly revising and sharpening their techniques and local authorities need to do the same. Taking a tougher stance against fraudsters includes using technology to tackle cross boundary and organised fraud and corruption attempts, as well as addressing new risks.
- 4.2 The project has been adopted by London Councils as part of its London Ventures programme, which is overseen by the Capital Ambition Board. The funding for the procurement of the Hub came from a grant awarded to the London Borough of Ealing (the lead authority) by the (then) Department for Communities and Local Government (£430,400).
- 4.3 In 2015, Brent signed a Memorandum of Understanding, as did all London local authorities, making a non-binding commitment to the project.
- 4.4 The London Borough of Ealing followed the Competitive Dialogue procurement route. The project commenced in 2014, and in July, 2015 the procurement process was launched. By October, 2015 following assessment of preliminary submissions, three tenderers were selected to proceed. The first round of competitive dialogue took place in January 2016 after initial tender submissions were received. Tenderers were then asked to submit detailed solutions, and this led to a second round of dialogue, following which two bidders were

shortlisted and invited to submit their final offers. A final round of competitive dialogue was held, leading to submission of best and final offers in June 2016.

4.5 The evaluation of the bids was carried out by a panel consisting of subject matter experts in areas including fraud, ICT, commercial issues and data management including council officers.

4.6 The bid from CIPFA Business Ltd was ranked first in the evaluation, based on both the scores for quality and commercial elements.

4.7 The pilot commenced March 2017 and has now successfully concluded with all minimum contract standards achieved.

5.0 Contract Arrangements

5.1 The London Borough of Ealing hosts the contract management team which is funded through a contract mechanism that top-slices revenues from the contractor's charges.

5.2 Governance arrangements exist, and an Oversight Board which currently consists of Finance Directors from the four pilot authorities has been established with the purpose of reporting on the effectiveness of the Hub and providing a joined-up approach between Ealing and other local authority stakeholders, and the wider stakeholder pool affected by the implementation of the LCFH.

5.3 Joining the LCFH is through a Deed of Adherence, which is also signed by CIPFA and the Lead Authority. Once the Deed of Adherence has been entered into, the council becomes a party to the Agreement.

5.4 Termination rights can be exercised if the level of performance of the supplier during the service period is below in respect of any Key Performance Indicators, although no detail of these KPIs have been communicated at the time of writing.

5.5 The contact length will be seven years with no break clause or option to extend.

6.0 Financial Implications

6.1 The contract is a fixed price model. There will be a one-off joining fee of £75,000 and a two tier annual subscription fee based upon an authority's net revenues budget: upper tier £90,000 and lower tier £70, 000. Brent qualifies as an upper tier authority and therefore the total cost in the first year will be £165,000 and £90,000 p.a. thereafter. Also, it would be prudent to add an estimated one off cost of £100,000 for the IT interface and associated project management. Therefore, the potential total contract cost over the seven year life of the contract would be £705,000, or £805,000 including the in-house set up costs.

6.2 However, the model is predicated on identifying new fraud cases. It therefore follows that additional resource would be required to investigate these. It is hard to provide a precise estimate of the resource requirement. The working assumption is that the team would need to be expanded by two to three staff; as a minimum, an Intelligence Officer (to sift leads and provide prioritised information to the trained investigators) and an additional Counter Fraud

Officer. These staff, graded at around PO1/ PO2, would cost about £100,000 p.a. This brings the total cost of entering into the LCFH to £190,000 p.a., plus the £75,000 one-off joining fee and the £100,000 internal set-up costs. However, final additional staffing requirements are still in discussion. Additional staffing costs would be properly apportioned between the HRA and the GF to reflect the work done on housing tenancy fraud.

- 6.3 These costs depends on at least 26 London boroughs signing up to the proposal. In the event that fewer than 26 do so, then this approach will be reviewed.
- 6.4 It would, of course, be open to the council to choose to bear these additional costs as part of its budget. However, it has been assumed that the council should seek to enter into the arrangement only if there is a reasonable expectation that its costs will be covered. Successful identification of fraud brings wider societal benefits but also direct financial returns.
- 6.5 For the three fraud types in the initial model the direct financial returns for the council are as set out below.
- 6.6 For each case of fraudulent SPD identified the council saves, on average, 25% of a Band D council tax. This is a permanent ongoing saving, as once the fraud has been identified and the discount removed council tax will be payable at the full amount instead of the discounted amount. (Subsequent changes to occupation are ignored for these purposes). A Band D council tax in 2019/20 will be approximately £1,262 and so the saving is £315 per case.
- 6.7 The pilot shows that between 1% and 4.5% of SPD cases are found to be fraudulent, which in Brent would translate to approximately 350 to 1,500 cases per year. However, some of these would be identified by existing means anyway and so should not be taken into account in this evaluation. To avoid overstating the benefits of the LCFH the mid-point (2.75%) has been used for the number of cases identified, but this has then been discounted by an assumed 50% to avoid double counting with existing work. This produces a saving of c£114,000 p.a.
- 6.8 On housing, the council already uses, in its financial planning, an assumption of £2,000 as the annual saving for each family taken out of temporary accommodation. This is a reasonable proxy for the direct saving generated by each fraudulent sub-letting identified, and is prudent as it takes no account of the wider benefits. (For example, a previous Audit Commission study found the average saving to be £18,000 once all costs were considered, and many would argue that this understates the case). However, working with only the direct cashable saving of £2,000 p.a. is the right approach in this case in order to ensure that the financial benefits of the LCFH are not overstated.
- 6.9 The LCFH model suggests that 30-50 cases per annum would be identified in Brent. As Brent already identifies and investigates this fraud type with some success this figure has been discounted by 50% to ensure a prudent financial evaluation. This implies that 20 cases per year would be identified, generating a direct cashable financial saving of £40,000 p.a.
- 6.10 On business rates, the LCFH model shows that Brent would make annual savings of approximately c£151,000 from the removal of fraudulently claimed

small business rates and other reliefs. As above, this figure has been discounted by 50% to avoid producing an over optimistic financial evaluation, implying a saving of approximately £76,000 p.a.

6.11 On these assumptions, which are discounted by between 50% and 75% from those actually produced by the pilot exercise, Brent would generate cashable savings of £230,000 each year from entering the LCFH, slightly less than the annual cost of £190,000 of joining the model, and the one-off costs would be recovered in slightly more than four years.

6.12 Entering into a new arrangement is never without risk, and it could be that the actual cashable savings figure is lower, which would result in a financial pressure. Equally, if results are better than assumed then the arrangement will produce direct cashable financial benefits for the council. Given that the assumptions from the pilot exercise, which were tested across four councils, have been discounted by between 50% and 75% in this financial evaluation it would be reasonable to assume that it is unlikely that entering into the arrangement would result in a long-term financial pressure.

7.0 Legal Implications

7.1 A competitive dialogue procurement procedure was conducted by the London Borough of Ealing that complied with the Public Contracts Regulations 2015 (as amended) (PCR 2015) and Ealing's Contract Procedure Rules were followed.

7.2 Regulation 38 of the PCR 2015 permits contracting authorities such as the London Borough of Ealing to jointly procure services and on behalf of other named contracting authorities. The Council was one of those named parties.

7.3 The contract was let as a single contract, as opposed to a framework agreement (which would have been limited in its length), and the council can join the Agreement with the provider through a Deed of Adherence.

7.4 Contract length is for a period of seven years with no break clauses or options to extend.

7.5 The Hub has been set up and operated in a manner that is compliant with the General Data Protection Regulation 2018 and the Data Protection Act 2018.

7.6 An outstanding procurement risk element has been raised in the risk section below.

8.0 Risk Management

8.1 The planned approach has been for an incremental roll-out of the solution across all the London boroughs. This provides an opportunity to iron out any implementation issues before most boroughs join the hub. It will also serve to manage the capacity of the provider for on-boarding all the London Boroughs as effectively as possible.

8.2 The financial risk (risk of increased net cost) has been set out in full in the financial implications.

8.3 The testing by the pilot authorities provides some assurance that the LCFH product will meet the necessary performance standards as well as meeting data security requirements. However, a series of risks remain:

Risk Description	Probability (H/M/L)	Impact (H/M/L)	Mitigation
1. Due to changed behaviours caused by initial success the number/quality of referrals deteriorates leading to reduction in vfm for the duration of the contract.	M	M	Monitor quantity and quality of data matches against set targets. Engage effectively with contract oversight board.
2. The council's existing approach to mitigating fraud on single person discount SPD and Business rates (BR) may be adequate leading to inefficiency through pursuing hub data reducing vfm, and confidence in the hub. (The assessment of this risk is based on SPD only.)	M	M	Ensure that the SPD solution is fully automated. This may not only mitigate this risk but help to refine processes and reduce costs in the new in-house service
3. Due to uncertainty about the quality and quantity of referrals and therefore the need for increased capacity in the CF team, there may be inadequate/surplus resource.	M	M	Effective assessment of work required and subsequent design of job descriptions for new staff (probably two) will build in resilience to address this risk. Effective management oversight and monitoring of trends and outcomes will also assist.
4. Increased focus on delivering the LCFH project may divert the CF team from conducting other CF work (e.g. NFI, fraud awareness training, Blue Badge initiatives) leading to increases in fraud in other areas.	L	H	Additional resource to address additional intelligence needs and workload alongside effective contract monitoring. Also the resilience that will be built in to new job descriptions.
5. Ineffective contract management of the Hub (by LB Ealing) may lead to poor performance not being properly addressed leading to loss and reputational damage.	M	M	Brent will seek to have an effective role in the Hub's oversight Board
6. The full benefits of the Hub model may not be fully understood by key stakeholders leading to sub-optimal impact on resident confidence and fraudulent activities.	L	M	A formal communication strategy and plan will be prepared as part of any implementation project to ensure the success of the increased counter fraud activity receive wide recognition – to instil public confidence and provide additional deterrent to would be fraudsters.
7. The change to the Hub's commercial model may produce	L	M	Maintain a watching brief including liaising with the lead borough to

Risk Description	Probability (H/M/L)	Impact (H/M/L)	Mitigation
a challenge from the unsuccessful bidders leading to instability in the supplier.			assess impact of any legal challenge.
8. The exclusivity requirement of the Hub may lead to a lack of agility in uptake of new initiatives leading to a reduction in effectiveness in deterring and detecting fraud.	L	M	Effective role in the oversight Board.
9. An insufficient number of boroughs sign up to the model leading to some relevant data not being uploaded and matched leading to a reduction in potential value.	M	M	Brent will not join until there is reasonable confidence that a sufficient number will be achieved - which may be slightly less than the 26 currently assumed to allow for some operational flexibility.
10. Due to system incompatibility, the LCFH model may not be able to be interfaced with Brent's instance of the council tax system leading to reduced benefit and vfm.	L	H	In the event of failure to successfully interface the LCFH model, SPD savings will continue to be cashed as existing methods will be used.
11. Lack of capacity and capability in the supplier means they are unable to on-board 20+ authorities in a timely and efficient manner leading to error and delay.	L	M	Brent will seek to have an effective role in the Hub's oversight Board. Peer liaison at CFO and HIA level will also allow monitoring of this risk.

9.0 Consultation with Ward Members and Stakeholders

9.1 Not applicable

10.0 Human Resources/Property Implications (if appropriate)

10.1 Not applicable

Report sign off:

CONRAD HALL
Chief Finance Officer

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 <p>Brent</p>	<p align="center">Audit and Standards Advisory Committee 20th March 2019</p>
	<p align="center">Report from the Chief Finance Officer</p>
<p align="center">Internal Audit External Quality Assessment – Updates on Actions</p>	

Wards Affected:	All
Key or Non-Key Decision:	Non-Key
Open or Part/Fully Exempt: <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
No. of Appendices:	One Appendix A External Assessment Update
Background Papers:	None
Contact Officer(s): <small>(Name, Title, Contact Details)</small>	Michael Bradley, Head of Internal Audit 020 8937 6526 Email: Michael.Bradley@brent.gov.uk

1. Background and Terms of Reference

- 1.1 In accordance with Standard 1312 of the UK Public Sector Internal Audit Standards (PSIAS) an external assessment of internal audit was conducted during October 2018. The principal objective of the assessment was to assess internal audit's conformance to the PSIAS.
- 1.2 The review was conducted using available evidence to support conclusions. Interviews were undertaken with the Head of Internal Audit, the Chair and Vice Chair of the Audit and Standards Advisory Committee, the Chief Executive, Chief Finance Officer and a number of Strategic Directors.

2. Recommendations

- 2.1. The Audit and Standards Advisory Committee note the content of the report.

3. Original Conclusions

- 3.1 Based on the work carried out the conclusion of the review is that the Brent Internal Audit Service 'Generally Conformed' with the PSIAS.

- 3.2 The outcome of the assessment reflected a professional and successful Internal Audit service and demonstrated a good level of compliance with the PSIAS. The service has a high degree of independence, in fulfilling the definition of internal auditing.
- 3.3 Some areas for improvement were identified. Details of these are provided in the Appendix to this report together with an update of progress.

4. Financial Implications

The report is for noting and so there are no direct financial implications.

5. Legal Implications

The report is for noting and so there are no direct legal implications.

6. Diversity Implications

None.

Report sign off:

Conrad Hall

Chief Finance Officer

Appendix A

Areas for Improvement and updates

Standard	Assessment	Suggested Improvement	Action Owner and Due Date	Current Status
1000 Purpose, Authority, and Responsibility	The position and reporting lines of IA within the organisation - both functional and administrative reporting lines – is not clearly stated in Audit Charter.	Include the position and reporting lines of IA within the organisation - both functional and administrative reporting lines - in Audit Charter review in 2019.	Head of Audit and Investigations 31 March 2019	Completed. The Audit Charter was reviewed, updated and approved by the A&SAC in February 2019.
1220 Due Professional Care	There is no Audit Manual – only a single sheet protocol. Recent guidance written on Follow Ups, QA, Consultancy and Audit Programmes. No formal guidance on general IA activity.	Continue to produce papers on particular areas of practice that will eventually form an Audit Manual to cover key areas of audit process.	Internal Audit Manager Ongoing	In progress Papers have added including guidance on Audit Working Papers and documenting Findings.
1300 Quality Assurance and Improvement Programme (QAIP)	QAIP process and detail set out in draft paper on the IA guidance shared folder. The culture of continuous improvement is an ongoing theme being developed with the new team including new KPIs as part of appraisal process.	Head of Audit and Investigations to review QAIP paper as part of ongoing team improvement.	Head of Audit and Investigations 31 January 2019	Completed QAIP Plan and Guidance approved and added to IA Shared Folder.
2010 Planning	The audit plan establishes a link between the proposed audit topics and the priorities and risks of the organisation	Once revised strategic risk register is completed, link audits in 2019/20 plan to specific risks and report accordingly	Internal Audit Manager 31 March 2019	Completed Audits in the 2019/20 Audit Plan are now directly linked to the Corporate Risks.

2070 External Service Provider	Co-sourcing IA providers PWC are monitored with regular meetings and audit tracking. Contract KPIs not currently reviewed on a regular basis.	Regularly monitor and report on PWC KPIs.	Internal Audit Manager Ongoing	Regular meetings with PWC now include reviews of achievement against the KPIs and identifying areas for improvement.
2120 Risk Management	Internal audit's role with regard to risk management should be set out in the internal audit charter. PWC currently engaged in running workshops in each directorate to assess and redraw risk registers. This in turn is intended to inform a revised corporate risk register and service level registers. Risk Management not included in 18/19 Audit Plan due to above work.	Set out clearly IA's role and responsibility in risk management in Charter. Consider including a review of risk management in 2019/20 Audit Plan. Consider taking forward RM processes through meetings/workshops to ensure it continues to embed and develop.	Head of Audit and Investigations 31 March 2019	Completed. The Audit Charter was reviewed, updated and approved by the A&SAC in February 2019. Time has been allocated in the 2019/20 IA Plan in order to continue to educate, embed and develop RM across the organisation.
2201 Planning Considerations	File structure not always clear to ensure all documentation is clearly recorded.	Review audit file structure and include guidance.	Internal Audit Manager 31 January 2019	Completed A revised audit file structure has been drawn up and agreed ready for use for the 2019/20 IA Plan.
2420 Quality of Communications	A review of report format is planned for quarter 4 to ensure any changes ready for beginning of 2019/20 Audit Plan.	Review current audit report format. Any changes to be agreed with senior stakeholders.	Internal Audit Manager 31 March 2019	Completed A new report format has been designed and will be introduced for the 2019/20 IA Plan.

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Appendix A

Areas for Improvement and updates

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1220 Due Professional Care	There is no Audit Manual – only a single sheet protocol. Recent guidance written on Follow Ups, QA, Consultancy and Audit Programmes. No formal guidance on general IA activity.	Continue to produce papers on particular areas of practice that will eventually form an Audit Manual to cover key areas of audit process.	Internal Audit Manager Ongoing	In progress Papers have added including guidance on Audit Working Papers and documenting Findings.
1300 Quality Assurance and Improvement Programme (QAIP)	QAIP process and detail set out in draft paper on the IA guidance shared folder. The culture of continuous improvement is an ongoing theme being developed with the new team including new KPIs as part of appraisal process.	Head of Audit and Investigations to review QAIP paper as part of ongoing team improvement.	Head of Audit and Investigations 31 January 2019	Completed QAIP Plan and Guidance approved and added to IA Shared Folder.
2010 Planning	The audit plan establishes a link between the proposed audit topics and the priorities and risks of the organisation	Once revised strategic risk register is completed, link audits in 2019/20 plan to specific risks and report accordingly	Internal Audit Manager 31 March 2019	Completed Audits in the 2019/20 Audit Plan are now directly linked to the Corporate Risks.

2070 External Service Provider	Co-sourcing IA providers PWC are monitored with regular meetings and audit tracking. Contract KPIs not currently reviewed on a regular basis.	Regularly monitor and report on PWC KPIs.	Internal Audit Manager Ongoing	Regular meetings with PWC now include reviews of achievement against the KPIs and identifying areas for improvement.
2120 Risk Management	Internal audit's role with regard to risk management should be set out in the internal audit charter. PWC currently engaged in running workshops in each directorate to assess and redraw risk registers. This in turn is intended to inform a revised corporate risk register and service level registers. Risk Management not included in 18/19 Audit Plan due to above work.	Set out clearly IA's role and responsibility in risk management in Charter. Consider including a review of risk management in 2019/20 Audit Plan. Consider taking forward RM processes through meetings/workshops to ensure it continues to embed and develop.	Head of Audit and Investigations 31 March 2019	Completed. The Audit Charter was reviewed, updated and approved by the A&SAC in February 2019. Time has been allocated in the 2019/20 IA Plan in order to continue to educate, embed and develop RM across the organisation.
2201 Planning Considerations	File structure not always clear to ensure all documentation is clearly recorded.	Review audit file structure and include guidance.	Internal Audit Manager 31 January 2019	Completed A revised audit file structure has been drawn up and agreed ready for use for the 2019/20 IA Plan.
2420 Quality of Communications	A review of report format is planned for quarter 4 to ensure any changes ready for beginning of 2019/20 Audit Plan.	Review current audit report format. Any changes to be agreed with senior stakeholders.	Internal Audit Manager 31 March 2019	Completed A new report format has been designed and will be introduced for the 2019/20 IA Plan.

 <p>Brent</p>	<p>(1) Audit and Standards Advisory Committee</p> <p>(2) Audit and Standards Committee</p> <p style="text-align: center;">20 March 2019</p>
<p>Report from the Director of Legal and HR Services</p>	
<p>Update on Financial and Procedural Rules Governing the Mayor’s Charity Appeal</p>	

Wards Affected:	All
Key or Non-Key Decision:	Not applicable
Open or Part/Fully Exempt: <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
No. of Appendices:	One: Appendix 1 Financial and Procedural Rules Governing the Mayor’s Charity Appeal
Background Papers:	None
Contact Officer(s): <small>(Name, Title, Contact Details)</small>	Debra Norman, Director of Legal &HR 020 8937 1578 Email: Debra.Norman@brent.gov.uk Biancia Robinson, Senior Constitutional & Governance Lawyer 020 8937 1544 Email: Biancia.Robinson@brent.gov.uk

1.0 Purpose of the Report

- 1.1 The purpose of this report is to update the Audit and Standards Advisory Committee on the recommended changes to be made to the financial and procedural rules for governing the Mayor’s Charity Appeal; and seek the Audit and Standards Committee’s approval of the same.

2.0 Recommendations

- 2.1 That the **Audit and Standards Advisory Committee** consider, note and recommend the contents of the report and the proposed changes relating to the financial and procedural management of the Mayor's Charity Appeal as set out in Appendix One of this report.
- 2.2 That the **Audit and Standards Committee** consider the contents of the report and approve the proposed changes to the Financial and Procedural Rules governing the Mayor's Charity Appeal.

3.0 Detail

- 3.1 The Mayor in their capacity as First Citizen is expected to:
 - a) act as the representative of the area;
 - b) participate in and help initiate activities that enhance the economic, social, cultural and environmental well-being of the borough; and
 - c) act as an advocate of the local community.

It is in this capacity, that each new Mayor chooses one or more charities which they intend to support through donations/fund raising events during the Mayoral year.

- 3.2 The Financial and Procedural Rules (the Rules) governing the Mayor's Charity Appeal were last put before the Standards Committee in March 2011. At that time the Rules were updated to ensure transparency and reflect financial regulations.
- 3.3 Following a recent consideration of the Rules it is proposed to amend them in order to:
 - a) clarify the fact that the chosen charities must be locally based, or a local branch of a national charity, whose aims and objectives benefit the residents of Brent.
 - b) enable greater flexibility, in the eventuality that one or more of the Mayor's chosen charities ceases to operate, or be registered with the Charities Commission, so that collected funds can be gifted to the remaining Charity chosen by the Mayor; or a registered charity which has the closest aims and functions.
 - c) provide a greater reputational protection for the Council in circumstances in which it becomes inadvisable or impossible to continue to raise funds on behalf of the charity named by the Mayor.

The proposed changes are set out in Appendix 1.

4.0 Financial Implications

- 4.1 There are no financial implications arising out of this report. The funds collected by the Mayor's Office on behalf of the charities are governed by trustee and charity law.

5.0 Legal Implications

5.1 The civic role of the Mayor is governed by s3 the Local Government Act 1972. However, when the Mayor nominates and then supports one or more charities by raising proceeds which are then donated to a charity, or charities, of their choice, the Council is exercising its wellbeing powers pursuant to s2 Local Government Act 2000.

6.0 Equality Implications

6.1 The Council must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination, harassment and victimisation;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it, s149 Equality Act 2010.

6.2 The s149 Public Sector Equality Duty (outlined above) in the Equality Act 2010 covers the following nine protected characteristics: age, disability, marriage and civil partnership¹, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

6.3 “Due regard” is the regard that is appropriate in all the circumstances. The weight to be attached to the effect is a matter for the council. As long as the council is properly aware of the effects and has taken them into account, the duty is discharged.

6.4 There are no equality implications arising out of this report.

7.0 Consultation with Ward Members and Stakeholders

7.1 Not applicable.

8.0 Human Resources/Property Implications (if appropriate)

8.1 Not applicable.

Report sign off:

Debra Norman

Director of Legal and HR Services

¹ 6.1(b) &(c) above does not apply to this protected characteristic..

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Financial and Procedural Rules Governing the Mayor's Charity Appeal

1 The Mayor's Selection of Charities to support

- 1.1 The Mayor shall name not more than **three two** charities which he or she wishes to support for his or her term of office as Mayor. For the avoidance of doubt, funds collected are in the name of the office of the Mayor of the London Borough of Brent and not in an individual capacity.
- 1.2 The incoming Mayor shall inform the Mayor's Office of the names of the charities which he or she wishes to support no later than four weeks before the Annual General Meeting or two weeks in exceptional circumstances.
- 1.3 The charities chosen by the **incoming** Mayor must be registered with the Charity Commission for England and Wales at the date they are selected.
- 1.4 The charities chosen by the **incoming** Mayor must **be UK based and operate within Brent for the** benefit the inhabitants of Brent.
- 1.5 Prior to announcement of the **incoming** Mayor's nominated charities at the Annual General Meeting, officers of the council shall confirm that the charities meet appropriate standards for governance, are financially viable, are likely to endure for the duration of the Mayoral year and have not been the subject of Charity Commission concerns within the last two years at the date officers make enquiries. If the requirements set out in this paragraph are complied with, a record shall be made accordingly. In the event that there are reasonable concerns expressed by officers, the Mayor shall be asked to make an alternative choice of charity to support.
- 1.6 **If the incoming Mayor is a newly elected Councillor, he or shall inform the Mayor's Office of the charity (ies) he or she wishes to support within two weeks of taking office.**

2 Collection **and Donation** of Funds

- 2.1 It shall be assumed that the funds collected during the Mayor's term of office shall be divided equally between the chosen charities unless otherwise specified by the Mayor in writing at the outset of his/her term of office, or unless a donor specifies that their donation **be is** for one specific charity.
- 2.2 **Where more than one charity is named, donors should where practical be given the choice of donating to only one of the charities that the Mayor has chosen, rather than the donation being split.** A separate record will be kept by ~~the Mayor's Office~~ **Executive and Member Services** of donations falling into this category.

- 2.3 The funds collected shall be used for the general purposes of the charity named and there shall be no collections for specific projects.
- 2.4 ~~Where only one charity is chosen, there shall be decided and recorded at the outset of the Mayor's term of office a contingency plan for the funds collected in the following terms:~~
wWhere one or more of the Mayor's chosen charities is no longer deemed to be fit or able to receive the funds collected as determined by the Director of Chief Finance Officer and Corporate Services, or ceases for whatever reason to operate or be registered these relevant proportion of the funds shall (following consultation with the Mayor) be added to the funds to be donated to the remaining of the Mayor's chosen charities (if any) or a registered charity which has the closest aims and functions to those originally named.

3. Role of Mayor's Office

General

- 3.1 The Mayor's Office will assist the Mayor in choosing the Charities for the year, should the incoming Mayor need guidance. Due care should be taken to ensure that the chosen charities are reputable and will benefit significantly from monies raised.
- 3.2 The Mayor's Office will ensure that the Mayor's Charity Appeal is registered under, ~~and complies with, the Lotteries and Amusements Act 1976~~ The Gambling Act 2005 (this relates to the selling of raffle tickets).

Day to day management

- 3.3 A receipt book will be maintained to record all receipts and donations.
- 3.4 All donations received will be receipted, acknowledged by a different person from the person who collected the donation, and passed to Finance to be banked.
- 3.5 The Executive Support Manager will be responsible for authorising expenditure from the Charity Appeal account.
- 3.6 Where raffle tickets are sold, a record will be kept of how many tickets have been issued and this will be cross referenced with the amount of money collected.
- 3.7 The Executive Support Manager will ensure all steps required to comply with ~~Lotteries and Amusements Act~~ The Gambling Act 2005 are undertaken.

4. Role of Finance

General

- 4.1 A new charity appeal bank account will be opened at the beginning of each Mayoral Year. All transactions will be finalised within 3 months of the end of the Mayoral Year and the account will be closed no later

than 6 months after the end of the Mayoral year by the payment of monies to the nominated charity(ies).

Day to day management

- 4.2 Bank reconciliations will be carried out monthly and all discrepancies resolved monthly.
- 4.3 All donations passed on by the Mayor's Office will be banked and a receipt issued to the Mayor's Office for cash donations.
- 4.4 Invoices will only be paid if signed off by the Mayor's Office and Executive Support Manager or the Director of Performance, Policy and Partnership.
- Finance will check the signature and invoice for accuracy and records will be kept on file.
- 4.5 Cheques can only be signed by an authorised signatory within Finance

5. General

- 5.1 All payments from the Charity Account should be by electronic funds transfer. ~~Where payments not exceeding £20 each need to be made in cash for expediency, then a receipt shall be obtained from the person who receives the cash, with details as to why the cash was paid.~~
- 5.2 The Council cannot pay advances into the Charity Appeal account in lieu of expected funds to be raised or underwrite any losses. Therefore, the Mayor's Charity Appeal account should not be overdrawn at any time.
- 5.3 Should the Mayor wish to invite interested persons to form a fundraising group to assist with the appeal, this group will play no active role in the finances of the Charity Appeal.

~~6. Issues arising during the Mayoral Year~~

~~In the event that the Chief Finance Officer reasonably decides that:~~

- ~~i) — one or more of the nominated charities is no longer an appropriate charity for the sponsorship by the Mayor of Brent
or
ii) — for whatever reason the charity ceases to operate or to be registered~~

~~the Chief Finance Officer shall seek advice from the Director of Legal and HR to take such steps as are lawful, necessary and proportionate to distribute the funds.~~

76. Public Accountability

- 76.1 On closing the account, monies will only be paid to a charity registered with the Charity Commission for England and Wales.

- 76.2 If the Mayor wishes to divide the funds other than equally between the chosen charities he/she must make this clear at the beginning of the Mayoral year so that donors are aware of where their contributions are going.
- 76.3 Donors should where practical be given the choice of donating to only one of the charities that the Mayor has chosen, rather than the donation being split. A separate record will be kept by the Mayor's Office of donations falling into this category.
- 76.4 A clear statement giving details of all donations received and all expenditure incurred should be available for any member of the Council or for any member of the public to inspect by appointment.

Topic / Date	05-Feb-19	20-Mar-19	24-Apr-19	Jul-19	Sep-19	Jan-20	Mar-20	Apr-20
Internal Audit & Investigations								
Internal Audit Annual Report, including Annual Head of Audit Opinion				x				
Review Internal Audit Charter	X							
Internal Audit and Counter Fraud Progress Reports	X				x			
Draft Internal Audit and Investigations Annual Plan		X					x	
External Audit								
External Audit progress report			X	X	X	X	X	
External Audit plan	X					X		
External Audit - Certification of grants and returns (as and when)		X					X	
Statement of Accounts & External Auditor's Report				X				
External Auditor Annual Audit Letter					X			
Financial Reporting								
Treasury Management Mid-term Report					X			
Treasury Management Strategy & Annual Investment Strategy	X						X	
Treasury Management Outtrun Report				X				
Governance								
To review the performance and management of i4B Holdings Ltd and First Wave Housing Ltd	X				X			
Review of Mayor's Charity Rules		X						
Review of the use of RIPA Powers		X						X
Receive and agree the Annual Governance Statement			X					X
Risk Management								
Strategic Risk Register Update		X			X		X	
Emergency Preparedness						X		
Audit Committee Effectiveness								
Review the Committee's Forward Plan	X	X	X	X	X	X	X	X
Review the performance of the Committee (self-assessment)	X		X					
Determine and Deliver Training Requirements for Audit Committee Members as required								
Standards Matters								
Quarterly update on gifts and hospitality		X		X	X	X		X
Annual Standards Report		X						X
To consider the Council's response to the report on local government ethical standards issued by the Committee on Standards in Public Life		X						
Review of the Member Development Programme and Members' Expenses		X					X	

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