

Report of the Performance and Audit Scrutiny Committee: 28 September 2023

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| Report number: | CAB/WS/23/049 | |
| Report to and date: | Cabinet | 14 November 2023 |
| Cabinet member: | Councillor Diane Hind Cabinet Member for Resources Email: diane.hind@westsuffolk.gov.uk | |
| Chair of the Performance and Audit Scrutiny Committee | Councillor Peter Armitage Chair of the Performance and Audit Scrutiny Committee Email: peter.armitage@westsuffolk.gov.uk | |
| Lead officer: | Christine Brain Democratic Services Officer (Scrutiny) Telephone: 01638 719729 Email: christine.brain@westsuffolk.gov.uk | |

Decisions Plan: This item is not required to be included in the Decisions Plan.

Wards impacted: All Wards.

Recommendation: It is recommended that Report number: CAB/WS/23/049, being the report of the Performance and Audit Scrutiny Committee, be noted.

1. Context to this report

1.1 On 28 September 2023, the Performance and Audit Scrutiny Committee considered the following items:

1. Ernst and Young – Auditors Annual Report 2021 to 2022
2. Annual Governance Statement 2022 to 2023
3. Draft Statement of Accounts 2022 to 2023
4. Complaints and Local Government and Social Care Ombudsman: Annual Report 2022 to 2023
5. Regulation of Investigatory Powers Act 2000 - Annual Report and Review of the RIPA Guidance
6. Work Programme Update 2023 to 2024

2. Proposals within this report

2.1 **Ernst and Young – Auditors Annual Report 2021 to 2022 (Report number: PAS/WS/23/017)**

2.1.1 The Committee received the above report, which was the final version of the external audit report from Ernst and Young on the council's 2021 to 2022 final accounts. In July 2023 the Committee received a draft version which showed an unqualified audit opinion. Since then, these papers had been finalised and the letter of management representation had been signed off by the Chief Finance Officer in consultation with the Chair of Performance and Audit Scrutiny. This concluded the audit work for the 2021 to 2022 accounts and provided an unqualified opinion that the final accounts gave a true and fair view of the financial position of West Suffolk Council.

2.1.2 David Riglar, Partner at Ernst and Young (EY) drew the Committee's attention to page 14, Appendix B which related to the audit fees. He explained that the scale fee of £55,050 was set a number of years ago by the Public Sector Audit Appointments (PSAA) and does not change.

On top of this fee, EY was proposing an additional fee of £51,735 for additional hours undertaken by EY due to increased professional and regulatory requirements and changes in scope of work. However, the proposed additional fee had not yet been discussed with the council and still remained subject to determination by the PSAA.

2.1.3 The Committee scrutinised the report and asked questions to which responses were provided. In particular discussions were held on how the PSAA tendering process worked; what the audit process would look like if the council opted out of the PSAA; and the valuation of assets and the use of external valuers.

2.1.4 At the conclusion of the discussion the Chair of the Committee asked David Riglar to provide a written summary on how the fee system worked and what safeguards / checks were in place, which David Riglar agreed to provide.

2.2 **Annual Governance Statement 2022 to 2023 (Report number: PAS/WS/23/018)**

2.2.1 The Cabinet Member for Resources presented report number PAS/WS/23/018, which was the annual report prepared by the Officer Group that provided assurances that West Suffolk Council had met the requirements of the Accounts and Audit Regulations 2015 and was an accompanying report to the next item on the agenda, the Draft Statement of Accounts.

2.2.2 Attached at Appendix A to the report was the West Suffolk Council Annual Governance Statement 2022 to 2023. A key function of the council's Performance and Audit Scrutiny Committee was to review and approve the draft annual governance statement prior to being signed by the council's Leader and Chief Executive. The draft annual governance statement was being presented this evening for comments, and the approval and signing would be sought at a later date and timed to take into account the timetable for the external audit of the 2022 to 2023 Statement of Accounts. It was reported that there were no significant governance issues to report.

2.2.3 The Committee scrutinised the report in detail and asked questions to which comprehensive responses were provided. In particular discussions were held on the corporate peer challenge review; other council's governance failings; working towards finalising a potential County Deal; and including bench marking comparisons where necessary and available.

2.2.4 The Committee suggested including two additional items under "proposed activity for 2023 to 2024, being:

- Keeping a close watch on decarbonisation; and
- An analysis on cancelling the Western Way Development.

In response officers advised that the two suggestions would be raised with relevant officers to seek clarification on whether and how they could be included in the draft Annual Governance Statement.

2.2.5 There being no decision required, the Committee **noted** the report, subject to seeking clarification on the above two proposed suggestions.

2.3 **Draft Statement of Accounts 2022 to 2023 (Report number: PAS/WS/23/019)**

- 2.3.1 The Cabinet Member for Resources presented report number PAS/WS/23/019, which was the draft set of accounts for the financial year ending 31 March 2023. Regulations required that accounts should be submitted to the council's external auditors, Ernst and Young by the 31 May each year with a view that a final set of accounts could be scrutinised following the audit. However, given that the current timetable for external audit was that it would not be auditing the accounts until November 2023 at the earliest, these were being brought to the Committee as a draft set of unaudited accounts in order for the Committee to have sight of them in a timely manner.
- 2.3.2 The headlines from the draft accounts for 2022 to 2023 was that as well as a budgeted use of the General Fund of £0.475m to offset ongoing Covid income recovery there was a further budget deficit of £0.57m being driven by inflationary pressures on fuel; utilities and supplies and services. There was also a £1.3m pressure from the local government pay award. However, following these impacts, the General Fund still finished the year at the targeted level of £5m. The narrative report set out on pages 55 to 63 provided a full summary of all major items contained within the draft accounts. Following the decision made on the Western Way Development, a narrative would be included in the draft accounts. The Committee's attention was drawn to the Balance Sheet, set out on page 73, and made specific reference to the long-term assets; current assets; and long-term liabilities.
- 2.3.3 The Committee scrutinised the draft accounts and asked a number of questions to which comprehensive responses were provided. In particular discussions were held on the council's reserve levels; the meaning of baseline funding; the council's five-year asset management plan in relation to leisure facilities and managing financial risks and understanding those risks.
- 2.3.4 At the conclusion of the discussions, it was suggested that the statement of accounts should include paragraph numbers to make it easier to read and navigate the statement of accounts, and under the section "Overview of the financial year 2022 to 2023" that comparatives and projections for the following year should be included. In response the Committee were informed that the accounts were predominately backwards looking and followed a set format, but officers would consider more comparative information in the narrative.
- 2.3.5 There being no decision required the Committee **noted** the Draft Statement of Accounts for 2022 to 2023, subject to the inclusion of paragraph numbers within the final set of accounts.

2.4 **Complaints and Local Government and Social Care Ombudsman: Annual Report 2022 to 2023 (Report number: PAS/WS/23/020)**

2.4.1 The Cabinet Member for Governance and Regulatory presented report number PAS/WS/23/020, which provided an overview of the type of complaints received and the action taken to remedy those complaints. It was an annual requirement to report on the Local Government and Social Care Ombudsman's (LGSCO) annual report and the council had extended the report to advise on the corporate complaints considered by the council.

2.4.2 During 2022 to 2023, 14 complaints were made to the LGSCO in the preceding 12 months only one was upheld. This complaint related to a parking appeal. The LGSCO found some fault with the council but no significant injustice to the complainant.

2.4.3 The Committee considered the report and did not raise any issues, but only to commend the report. There being no decision required, the Committee **noted** the annual report from the LGSCO for 2022 to 2023.

2.5 **Regulation of Investigatory Powers Act 2000 – Annual Report and Review of the RIPA Guidance (Report number: PAS/WS/23/021)**

2.5.1 The Cabinet Member for Governance and Regulatory presented report number PAS/WS/23/021, which was an annual requirement to review the council's Regulations of Investigatory Powers Act 2000 (RIPA) guidance and report on any authorisations granted.

2.5.2 Local authority use of directed surveillance under RIPA was limited to the investigation of crimes which attract a six-month custodial sentence. The council would only carry out covert surveillance where such action was justified and proportionate and had a small pool of senior officers who were trained to authorise applications which must then be granted by a Magistrate. The council could also access communications data if justified and authorised accordingly.

2.5.3 Over the last year at West Suffolk Council no authorisations had been applied for and the only amendment made to the policy had been to strengthen the guidance in relation to the use of social media.

2.5.4 The Committee considered the report and did not raise any specific issues. There being no decision required the Committee **noted** the annual report and review of the RIPA Guidance.

2.6 **Work programme update 2023 to 2024 (Report number: PAS/WS/23/022)**

2.6.1 The Committee received and **noted** the above report, which provided information on the current status of its forward work programme for 2023 to 2024.

2.6.2 In response to a question raised on how the Committee could add items to its forward working programme in addition to statutory items, the officers referred members to the Councils Constitution, Part 4, Procedure Rules, where it sets out under paragraph 7.1 how members could give notice that they wished an item relevant to the functions of the Committee to be included on its agenda. The Director (Resources and Property) further suggested that at its training session in February 2024 on “effective finance and budget scrutiny” the Committee could discuss with the training provider what more the Committee should be scrutinising.

3. **Alternative options that have been considered**

3.1 Please see background papers.

4. **Consultation and engagement undertaken**

4.1 Please see background papers.

5. **Risks associated with the proposals**

5.1 Please see background papers.

6. **Implications arising from the proposals**

6.1 Financial – Please see background papers.

6.2 Equalities – Please see background papers.

7. **Appendices referenced in this report**

7.1 Please see background papers.

8. Background documents associated with this report

- 8.1 Report number: [PAS/WS/23/017](#) and [Appendix A](#) to the Performance and Audit Scrutiny Committee: Ernst and Young – Auditors Annual Report 2021 to 2022
- 8.2 Report number: [PAS/WS/23/018](#) and [Appendix A](#) to the Performance and Audit Scrutiny Committee: Annual Governance Statement 2022 to 2023
- 8.3 Report number: [PAS/WS/23/019](#) and [Appendix A](#) to the Performance and Audit Scrutiny Committee: Draft Statement of Accounts 2022 to 2023
- 8.4 Report number: [PAS/WS/23/020](#) and [Appendix 1](#), [Appendix 1a](#), [Appendix 1b](#) and [Appendix 1c](#) to the Performance and Audit Scrutiny Committee: Complaints and Local Government and Social Care Ombudsman: Annual Report 2022 to 2023
- 8.5 Report number: [PAS/WS/23/021](#), [Appendix 1](#) and [Appendix 2](#) to the Performance and Audit Scrutiny Committee: Regulation of Investigatory Powers Act 2000 - Annual Report and Review of the RIPA Guidance
- 8.6 Report number: [PAS/WS/23/022](#) and [Appendix 1](#) to the Performance and Audit Scrutiny Committee: Work Programme Update