Public Document Pack



Your ref: Our ref:

Enquiries to: Andrea Todd

Email:

Tel direct: 01670 622606 **Date:** Tuesday, 21 March 2023

Dear Sir or Madam,

Your attendance is requested at a meeting of the **AUDIT COMMITTEE** to be held on

WEDNESDAY, 29 MARCH 2023 at 10.15 a.m. in the Council Chamber, County Hall, Morpeth, NE61 2EF.

Please note:

• The period between 9.30 a.m. and 10.00 a.m. is restricted to only the Members of the Audit Committee and Internal and External Audit to allow discussion without the presence of senior officers.

Yours faithfully

Dr Helen Paterson Chief Executive

To members of the Audit Committee





AGENDA

PART I

It is expected that the matters included in this part of the agenda will be dealt with in public.

1. APOLOGIES FOR ABSENCE

2. MINUTES (Pages 1 - 12)

Minutes of the meeting of the Audit Committee held on 25 January 2023, as circulated, to be confirmed as a true record and signed by the Chair.

3. DISCLOSURE OF MEMBERS' INTERESTS

Unless already entered in the Council's Register of Members' interests, members are required where a matter arises at a meeting;

- a. Which **directly relates to** Disclosable Pecuniary Interest ('DPI') as set out in Appendix B, Table 1 of the Code of Conduct, to disclose the interest, not participate in any discussion or vote and not to remain in room. Where members have a DPI or if the matter concerns an executive function and is being considered by a Cabinet Member with a DPI they must notify the Monitoring Officer and arrange for somebody else to deal with the matter.
- b. Which **directly relates to** the financial interest or well being of a Other Registrable Interest as set out in Appendix B, Table 2 of the Code of Conduct to disclose the interest and only speak on the matter if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain the room.
- c. Which **directly relates to** their financial interest or well-being (and is not DPI) or the financial well being of a relative or close associate, to declare the interest and members may only speak on the matter if members of the public are also allowed to speak. Otherwise, the member must not take part in discussion or vote on the matter and must leave the room.
- d. Which **affects** the financial well-being of the member, a relative or close associate or a body included under the Other Registrable Interests column in Table 2, to disclose the interest and apply the test set out at paragraph 9 of Appendix B before deciding whether they may remain in the meeting.
- e. Where Members have or a Cabinet Member has an Other Registerable Interest or Non Registerable Interest in a matter being considered in exercise of their executive function, they must notify the Monitoring Officer and arrange for somebody else to deal with it.

NB Any member needing clarification must contact monitoringofficer@northumberland.gov.uk. Members are referred to the

Code of Conduct which contains the matters above in full. Please refer to the guidance on disclosures at the rear of this agenda letter.

4. MONITORING REPORT / ACTION LOG 2022-23

(Pages 13 - 18)

The Audit Committee operates under an agreed programme of core business, in accordance with its Terms of Reference as set out in the Council's Constitution. The Committee is asked to review and note its monitoring report/action log for the 2022/23 council year.

5. REPORT OF THE HEAD OF INTERNAL AUDIT AND RISK MANAGEMENT

(Pages 19 - 26)

Audit Committee Work Programme 2023/24

The purpose of this report is to propose a programme of core business for the Audit Committee for 2023/24, in accordance with its Terms of Reference as set out in the Council's Constitution.

6. JOINT REPORT OF THE CABINET MEMBERS FOR CHILDREN AND YOUNG PEOPLE AND ADULTS WELLBEING

(Pages 27 - 36)

Review of External Inspection Reports – Adult Social Care and Children's Services

To inform Members of the activity pertaining to Adults Social Care and Children's Services regarding external inspections and associated actions. This covers the period from 1st July 2022 to 31st December 2022.

7. REPORT OF THE CABINET MEMBER FOR CORPORATE SERVICES

(Pages 37 - 44)

Corporate Fraud Interim Report

The purpose of this report is to update Audit Committee on Corporate Fraud activity undertaken during the period 1 April – 30 September 2022.

8. REPORT OF THE CABINET MEMBER FOR CORPORATE SERVICES

(Pages 45 - 54)

Statement of Accounts - Group Boundary Review

The purpose of this report is to provide members of the Audit Committee with details of the boundary review which has been undertaken to determine those organisations which should have their financial statements consolidated into the Council's Statement of Accounts for the financial year ended 31 March 2023.

Particular consideration is given to the position of Active Northumberland.

9. REPORT OF THE CABINET MEMBER FOR CORPORATE SERVICES

Statement of Accounts 2020-21

The purpose of the Statement of Accounts 2020-21 report is to seek approval of the Council's Statement of Accounts for the financial year ended 31 March 2021. (Report to follow).

10. REPORT OF THE EXTERNAL AUDITOR

Audit Completion Report 2020-21

To receive the external auditors report. (Report to follow).

11. URGENT BUSINESS

To consider such other business as, in the opinion of the Chair, should, by reason of special circumstances, be considered as a matter of urgency.

12. DATE OF NEXT MEETING

The next meeting is scheduled for Wednesday, 31 May 2023 at 10.15 am.

PART II

It is expected that matters included in this part of the Agenda will be dealt with in private.

Reports referred to are enclosed for members and officers only, coloured pink and marked

"Not for Publication".

13. EXCLUSION OF PRESS AND PUBLIC

The Committee is invited to consider passing the following resolution:

- (a) That under Section 100A (4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of the following item on the Agenda as it involves the likely disclosure of exempt information as defined in Part I of Schedule 12A of the 1972 Act, and
- (b) That the public interest in maintaining the exemption outweighs the public interest in disclosure for the following reasons:-

Agenda Items Paragraph of Part I of Schedule 12A 14, 15, 16 Paragraph 3 of Part 1 of Schedule 12A Information relating to the financial or business affairs of any particular person (including the authority holding the information). Disclosure could adversely affect the business reputation or confidence in the person/organisation, and could adversely affect commercial revenue.

14. REPORT OF THE HEAD OF INTERNAL AUDIT AND RISK MANAGEMENT

Group Audit Committee

To receive a verbal update from the Head of Internal Audit and Risk Management on the current position relating to entities within the County Council's Accounting Group Boundary.

15. REPORT OF THE HEAD OF INTERNAL AUDIT AND RISK MANAGEMENT

Corporate Risk Management

To receive a verbal update from the Head of Internal Audit and Risk Management on the current position of the County Council's corporate risk review process.

16. REPORT OF THE HEAD OF INTERNAL AUDIT AND RISK MANAGEMENT

(Pages 55 - 76)

Strategic Audit Plan 2023/24

The purpose of this report is to advise Audit Committee of the Strategic Audit Plan for 2023/24. This document outlines the planned work of Internal Audit during this period and is attached as Appendix 1.

IF YOU HAVE AN INTEREST AT THIS MEETING, PLEASE:

- Declare it and give details of its nature before the matter is discussed or as soon as it becomes apparent to you.
- Complete this sheet and pass it to the Democratic Services Officer.

Name:		Date of meeting:		
Meeting:				
Item to which you	r interest relates:			
the Code of Cond	i.e. either disclosable pecuniary duct, Other Registerable Intere de of Conduct) (please give detai	est or Non-Registeral		-
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Are you intending	to withdraw from the meeting?	•	Yes - \square	No - 🗆

Registering Interests

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in "The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012". You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

"Disclosable Pecuniary Interest" means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

"Partner" means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

- 1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
- 2. A 'sensitive interest' is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.
- 3. Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

Non participation in case of disclosable pecuniary interest

- 4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest.
 - Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.
- 5. Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

Disclosure of Other Registerable Interests

6. Where a matter arises at a meeting which *directly relates* to the financial interest or wellbeing of one of your Other Registerable Interests (as set out in **Table 2**), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Disclosure of Non-Registerable Interests

- 7. Where a matter arises at a meeting which *directly relates* to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in **Table 1**) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.
- 8. Where a matter arises at a meeting which affects
 - a. your own financial interest or well-being;
 - b. a financial interest or well-being of a relative or close associate; or
 - c. a financial interest or wellbeing of a body included under Other Registrable Interests as set out in **Table 2** you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied
- 9. Where a matter (referred to in paragraph 8 above) affects the financial interest or well-being:
 - a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
 - b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise, you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Where you have an Other Registerable Interest or Non-Registerable Interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the <u>Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012.</u>

Subject	Description
Employment, office, trade, profession or	Any employment, office, trade, profession or
vocation	vocation carried on for profit or gain.
	[Any unpaid directorship.]
Sponsorship	Any payment or provision of any other financial
	benefit (other than from the council) made to
	the councillor during the previous 12-month
	period for expenses incurred by him/her in
	carrying out his/her duties as a councillor, or
	towards his/her election expenses.
	This includes any payment or financial benefit
	from a trade union within the meaning of the
	Trade Union and Labour Relations
	(Consolidation) Act 1992.
Contracts	Any contract made between the councillor or
	his/her spouse or civil partner or the person with
	whom the councillor is living as if they were
	spouses/civil partners (or a firm in which such
	person is a partner, or an incorporated body of
	which such person is a director* or a body that
	such person has a beneficial interest in the
	securities of*) and the council
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	(a) under which goods or services are to be
	provided or works are to be executed; and
	(b) which has not been fully discharged.
Land and Property	Any beneficial interest in land which is within the
	area of the council.
	'Land' excludes an easement, servitude, interest
	or right in or over land which does not give the
	councillor or his/her spouse or civil partner or
	the person with whom the councillor is living as
	if they were spouses/ civil partners (alone or
	jointly with another) a right to occupy or to
	receive income.
Licenses	Any licence (alone or jointly with others) to
	occupy land in the area of the council for a
	month or longer
Corporate tenancies	Any tenancy where (to the councillor's
	knowledge)—
	(a) the landlord is the council; and
	(b) the tenant is a body that the councillor, or
	his/her spouse or civil partner or the person
	with whom the councillor is living as if they
	were spouses/ civil partners is a partner of or
	a director* of or has a beneficial interest in
	the securities* of.
Securities	Any beneficial interest in securities* of a body

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- (a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and
- (b) either—
 - the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or
 - ii. if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/ her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.
- * 'director' includes a member of the committee of management of an industrial and provident society.
- * 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Table 2: Other Registrable Interests

You have a personal interest in any business of your authority where it relates to or is likely to affect:

- a) any body of which you are in general control or management and to which you are nominated or appointed by your authority
- b) any body
 - i. exercising functions of a public nature
 - ii. any body directed to charitable purposes or
 - iii. one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

Agenda Item 2

NORTHUMBERLAND COUNTY COUNCIL

AUDIT COMMITTEE

At a meeting of the Audit Committee held in the Council Chamber, County Hall, Morpeth on Wednesday, 25 January 2023 at 10.15 a.m.

PRESENT

S. Watson (Chair, in the Chair and Co-opted Member)

COUNCILLORS

Cessford, T. Oliver, N. Dale, A. Towns, D. Grimshaw, L. Wallace, A. Jackson, P.

CO-OPTED MEMBERS

Topping, P.

OFFICERS IN ATTENDANCE

Binjal, S. Monitoring Officer & Interim Director

of Governance

Candlish, T. Group Assurance Manager
Henderson, C. Group Assurance Manager
McDonald, K. Head of Internal Audit and Risk

Management

O'Farrel, R.
Todd, A.
Ward, A.
Willis, J.

Interim Chief Executive
Democratic Services Officer
Communications Manager
Interim Executive Director of
Finance and S151 Officer

ALSO IN ATTENDANCE

Dafter, J. Mazars (External Audit)

Earl, R. Advance Northumberland Chief

Operating Officer

Gardner, K. Interim Chair of Advance

Northumberland Audit Committee

Sanderson, H.G.H. Leader of the County Council

1 member of the press was in attendance

55. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor J. Reid.

Ch.'s Initials..... Page 1

56. MINUTES

RESOLVED that the minutes of the meeting of the Audit Committee held on 30 November 2023, as circulated, be confirmed as a true record and signed by the Chair.

57. DISCLOSURE OF MEMBERS' INTERESTS

Councillors L. Grimshaw and P. Jackson advised that they would declare interests in item 17 (Executive Management response to the 2021 KPMG report) on the agenda as former board members of Advance Northumberland.

58. MONITORING REPORT / ACTION LOG 2022-23

The Committee was asked to review and note its monitoring report/action log for the 2022/23 council year (a copy of which had been filed with the signed minutes).

Regarding Action 1 and 2 these had now been completed and could be removed from the log. Actions 3, 6 and 8 were on the agenda for today's meeting.

Action 4 was still to be discussed between the Chair and Vice Chair to ensure there was no duplication of workload between Audit and the relevant Overview and Scrutiny Committee.

In relation to Action 7, Members were advised that this report had been delayed. It was hoped that the report would be ready for consideration at their March meeting.

RESOLVED that the monitoring report/action log and comments made be noted.

59. REPORT OF THE LEADER

Response to the Challenge Board Interim Report 1 for the Member Oversight Group

The Leader introduced the first interim report of the Challenge Board, provided to the Member Oversight Group on the 23.12.22 and considered at County Council on 18 January 2023. (A copy of the report has been filed with the signed minutes).

The Leader advised that back in 2021, he took the decision to commission an independent review of governance in the Council. The final report of the Independent Review of Governance (known as the 'Caller Report') was presented to Full Council in June 2022. In line with the Caller Report recommendations across-party, Member Oversight Group, was established to oversee the development and delivery of an Improvement Plan in response to Caller. Again, following the Caller recommendations, the Leader of the Council asked the Local Government Association (LGA) to establish an external Challenge Board of experienced local government Elected Members and Officers to advise the Council on its improvement journey.

The Challenge Board was established and met formally for the first time in October 2022. Following its first three meetings, the Challenge Board drafted its first, interim report and presented its findings to the Members Oversight Group on the 23.12.22.

It was reported that overall, the Board's interim report presented a positive picture of progress. Alongside this, the Board had provided feedback and advice on six key areas of work as set out within the report.

The Chair thanked the Leader for attending the meeting and presenting the report. He commented on the pace and positive direction of travel being achieved so far.

Councillor Jackson spoke about being denied access to information in the past and knew of other former Cabinet Members who had also experienced similar struggles. He stated that the Council had an access to information policy but that it had not aways been adhered to in previous years. He commented that all 67 members had the right to information. He welcomed the feedback and advice received including the need for the Council to arrive at an agreed protocol on appropriate access to information to give clarity on what members could and could not have (and why). He stated that the changes being made by the Council would help achieve a change in culture, rebuild trust and enable the authority to move forward.

Councillor Oliver agreed with comments made and felt this was a positive report with the Council already taking great strides to improve. He did raise a question about the pace needed to bring about change quickly, particularly regarding producing budgets and the Corporate Plan. In response the Leader commented that in the past there had been a lot of consultation, but comments made had not always been listened to. He wanted to be precise in who to communicate with and listen to feedback received. Recently there had been an all member policy conference, meetings with town and parish councils, Local Area Councils and discussions with business leaders. He felt this was the best way to get a strong steer on things but understood that as an Administration the responsibility lay with them. He stressed that the Council must continue to implement the necessary changes needed and trusted that if things were moving too fast, they would be informed. It was hoped that the new constitution of the Council and scrutiny methodology would also be agreed in May.

The Chair noted that there was a need to get on and drive forward changes, but that this should be balanced against ensuring the Council did not move too fast that people were left behind.

Councillor Dale commented on the next steps detailed within the Board's report and the requirement for a longer term, three year, holistic, overall improvement plan which was clear about what success would look like and how the current actions (and any currently missing actions) would achieve this, especially around culture, behaviours, values. She queried if there was a timeline for the development of this plan, would this be the overarching plan to encompass all underpinning plans and suggested Audit Committee examine any shortfalls from the improvement plan if necessary.

The Leader thanked the Interim Chief Executive for the work and support since being appointed and the smooth transition process leading to the appointment of the new Chief Executive. He confirmed that part of the role of the new Chief Executive and her leadership team would be to create an improvement plan. With the help of the

Challenge Board, work to develop a longer-term, outcomes-based culture change programme would also take place.

The Interim Chief Executive gave assurances that action and activity was taking place on all points detailed within the report. The longer-term programme would be completed by the annual County Council meeting in May.

The Leader stated that the Council was now very different with key services, frontline services and education all doing very well. He stated that he was very proud of staff for the effort taken and commitment to making real changes.

Councillor Towns agreed that there had been a vast improvement and it felt that everyone was now working together. However, the senior officer team were interim in their current roles. Whilst they were clearly doing their best individually and collectively, the uncertainty and lack of permanence was not conducive to them working as an effective team and them taking a strong lead on the improvement and changes needed. He believed the new Chief Executive and a permanent senior team would only further strengthen the Council. He suggested that Audit Committee continue to follow progress to ensure real cultural changes were being made.

The Interim Chief Executive thanked councillors for their comments and stated that the current senior team had been brilliant and had already started to make very important changes within the Council. The Executive Director recruitment process had been taking place and it was hoped to fill all posts. The Director of Law and Governance (Monitoring Officer) role was also out for recruitment. It was stated that once appointments were filled it would be the first time in 10 years since there was a permanent senior team in place.

Councillor Grimshaw expressed her thanks to J. Willis and S. Binjal who had both been an asset to the Council's senior management team.

RESOLVED that the report be noted.

60. REPORT OF INTERIM EXECUTIVE DIRECTOR OF FINANCE AND SECTION 151 OFFICER

Changes to the Code of Practice for Local Authority Accounting in the UK for 2022-23

J. Willis, Interim Executive Director of Finance and Section 151 Officer presented the report which provided the Audit Committee with a summary of the key accounting changes in the latest edition of the Code of Practice for Local Authority Accounting in the UK (the Code) which would apply to the 2022-23 Statement of Accounts. (A copy of the report has been filed with the signed minutes).

RESOLVED that the changes detailed in the report and in Appendix A which will be taken into account in the preparation of the 2022-23 statement of accounts be noted.

61. REPORT OF THE OF INTERIM EXECUTIVE DIRECTOR OF FINANCE AND SECTION 151 OFFICER

Treasury Management Strategy Statement for the Financial Year 2023-24

The Local Government Act 2003 required the Council to set out its Treasury Strategy for borrowing and to prepare an Annual Investment Strategy, which set out the policies for managing investments and for giving priority to the security and liquidity of those investments. The Council nominated the Audit Committee to be responsible for ensuring effective scrutiny of the Treasury Management Strategy and Policy.

J. Willis, Interim Executive Director of Finance and Section 151 Officer presented the report which set out the Treasury Management Strategy, Treasury Management Policy Statement, the Annual Investment Strategy for the Financial Year 2023-24, Prudential Indicators 2023-24 to 2026-27 and the Minimum Revenue Provision Policy 2023-24. (A copy of the report has been filed with the signed minutes).

It was noted that CIPFA had published revised Treasury Management and Prudential Codes on 20 December 2021 which included revisions to the reporting framework from the 2023-24 financial year.

It was reported that the Treasury Management Strategy Statement detailed the proposed activities of the Treasury Management function for the financial year 2023-24 and was based upon the treasury management officers' views on interest rates, supplemented with leading market forecasts provided by the Council's treasury management advisors, Link Asset Services. Any strategy changes would be reported to Audit Committee.

The Chair commented on training which was highlighted within the Caller report and asked if training received was adequate. J. Willis confirmed that the CIPFA Code required the responsible officer to ensure that Members with responsibility for treasury management received adequate training in treasury management and this was held on a regular basis. Details of a CIPFA webinar for Audit Committee Members in February had recently been circulated and all were encouraged to attend. There was always room for more training and if there was demand more training could been provided.

Councillor Dale stressed the need to carefully examine the proposal to maintain an under-borrowing position to minimise short term net revenue costs because of the risk involved. She commented that there was a need to ensure there was sufficient money put aside to cover ongoing maintenance costs in areas such as highways, local transport plan and capital projects. In response, J. Willis spoke about the complexity of forecasting and budgeting for long term commitments and the need to continue to improve recording. She suggested a further discussion take place with Councillor Dale about this issue.

RESOLVED that Audit Committee:

- (a) consider the report and recommend that County Council approves the Treasury Management Strategy Statement, including new reporting requirements, the Treasury Management Policy Statement, the Annual Investment Strategy, and the Borrowing Strategy for the Financial Year 2023-24.
- (b) recommend that County Council approves the Prudential Indicators (Appendix 4) for four years 2023-24 to 2026-27 to ensure that the Council's capital investment plans are affordable, prudent and sustainable.
- (c) recommend that County Council approves the Minimum Revenue Provision Policy (Appendix 5) 2023-24.

62. REPORT OF INTERIM EXECUTIVE DIRECTOR OF FINANCE AND SECTION 151 OFFICER

Northumberland County Council - Statement of Accounts 2022-23

(A copy of the report has been filed with the signed minutes).

The purpose of the report was to provide the Audit Committee with:

- a. an overview of the timetable for publishing the 2022-23 Statement of Accounts; and,
- b. an update on the Accounting Policies to be applied in the preparation of the 2022-23 Statement of Accounts.

RESOLVED that Audit Committee:

- a. note the key dates in the final accounts process for 2022-23.
- b. approve the Accounting Policies to be used for the preparation of the 2022-23 Statement of Accounts.
- c. authorise the Interim Executive Director of Finance to review the accounting policies as necessary and report any changes to the Audit Committee.

63. REPORT OF INTERIM EXECUTIVE DIRECTOR OF FINANCE AND SECTION 151 OFFICER

Annual Governance Review and Draft Annual Governance Statement 2021/22

The Leader introduced the report which sought to enable the Audit Committee to review the draft Annual Governance Statement for 2021-22 and consider whether it properly reflected the risk environment and supporting assurances, taking into account Internal Audit's opinion on the overall adequacy and effectiveness of the Council's framework of governance, risk management and control. (A copy of the report has been filed with the signed minutes).

Councillor Jackson welcomed the report but queried how the Council would ensure its Governance Statement was followed and what would be the consequences if the three lines of defence were breached. In response J. Willis confirmed that the draft Governance Statement was published with the accounts and audited externally to ensure it was accurate and comprehensive. The findings from the Caller report spoke about significant weaknesses but this Governance Statement supported assurances that issues were being addressed.

J. Dafter, External Auditor confirmed that each Governance Statement was externally audited.

Councillor Oliver commented on the three lines of defence and the need to be informed quickly if there were any overrides and for those to be dealt with in a timely fashion.

The Chair felt reassured that the three lines of defence were working. Issues were getting picked up and Audit Committee informed, even though this sometimes was not instantly.

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Councillor Dale commented on the effective risk management and controls in place and felt that as an Audit Committee they did get assurances, but it was their responsibility to scrutinise and ask questions where necessary. However, she agreed that they did need to see the details if the system had been overridden.

P. Topping reported that as an Audit Committee they needed to be satisfied that the Governance Statement was a true reflection and accurately highlighted the challenges faced by the Council. He felt that the role of the Audit Committee was clearly identified within the statement. In the past there had been frustration about reports not being made available in a faster manner although there was now a different approach, which was welcomed.

RESOLVED that Audit Committee:

- (a) Approve the draft Annual Governance Statement (shown in Appendix A); and (b) Agree to the draft Annual Governance Statement being published on the Council's website alongside the draft statement of accounts and reviewed by the Council's external auditors as part of the 21-22 Audit.
- 64. REPORT OF THE HEAD OF INTERNAL AUDIT AND RISK MANAGEMENT

Review of Exit Packages

The purpose of the report was to provide an update to Audit Committee on findings and recommendations from a review of exit packages paid to former employees, as requested by the Section 151 Officer following the issuing of a report under s114 and s114A of the Local Government Finance Act 1988 on 23 May 2022. (A copy of the report has been filed with the signed minutes).

K. McDonald, Head of Internal Audit and Risk Management introduced the report and highlighted the main issues. He advised all that Internal Audit had undertaken a review in accordance with the Section 151 Officer's report and between June and November 2022 provided detailed findings to the Section 151 Officer for consideration as to whether any further unlawful payments have been made. Internal Audit had been requested to prepare a report to Audit Committee, detailing a summary of findings from work that had been undertaken. This report had therefore been prepared to update Audit Committee on findings related to weaknesses in systems and procedures and associated recommendations made.

It was reported that in addition to this work, Internal Audit's plan of work for 2022/23 was agreed by Audit Committee on 23 March 2022. The 2022/23 Strategic Audit Plan included a proposed review of recruitment and retention – processes governing changes to terms and conditions and how employees leave the organisation. This planned internal audit was currently underway and the findings would be reported to Audit Committee in the normal manner, once completed.

It was stressed that this report was solely written to examine the processes and systems in place relating to the S151 report and did not go into detail about individual cases. However, the review did identify that a number of exit payments made to former postholders did not comply with the requirements of the Localism Act 2011. There was therefore the potential that these payments could be unlawful. Internal Audit was aware that the County Council was seeking appropriate advice in order to determine whether payments made were unlawful and this aspect would be

considered further by the Section 151 Officer and Monitoring Officer. It was reported that where any additional action was identified by the Section 151 Officer and / or Monitoring Officer, subsequent reports to update Audit Committee would be prepared as required.

The Chair thanked the Head of Internal Audit and Risk Management for the detailed report which could not have been easy to draft especially with such a tight remit. The Chair questioned whether this was a systemic issue within the Council. In response it was stated that Internal Audit's review of recruitment and retention would hopefully answer that question once finalised.

Councillor Dale reported that she believed there were other exit packages that needed investigated but had not fallen within the scope of this report. She felt that there needed to be a holistic approach taken to investigate further. She spoke about the changes to the Constitution, the Staff and Appointments Committee, Pay Policy Statement and other policy actions already being put in place which she hoped would ensure this issue did not happen again or was left to keep occurring, particularly as the Council was currently going through a voluntary redundancy scheme.

The Head of Internal Audit and Risk Management confirmed that he was aware of other former postholders not included in the initial list, but these would be picked up as part of the wider piece of work being carried out. However, he confirmed that this review had identified a number of significant weaknesses within the County Council's control framework governing redundancy / exit packages, and non-compliance with relevant legislation and policies that were in place and had made several recommendations to the Section 151 Officer.

Councillor Jackson stated that he had asked for a report to be prepared but had initially asked for a wider scoping review to take place as he suspected there was more that needed probed. He commented that it was a shame that it had taken this long for the Council to investigate. The extent of some of the payments made were very high with some of the voluntary redundancy packages highest in the country. Payments had not been reported to the Leader and the Cabinet. He asked for more detail to be provided to Audit Committee. The Caller report mentioned unusual settlement agreements which needed investigated along with the overall lack of recording and transparency. He stated that he believed the payments made could fall into illegality.

The Monitoring Officer stated that all points made were valid, there had clearly been failings, but the Audit Committee had a clear remit and Members had to be careful not to overlap with other statutory duties and responsibilities of others. It would be for the Section 151 Officer and the Monitoring Officer to consider if payments were legal or unlawful and then report to the appropriate committee(s).

The Section 151 Officer stated this report had been commissioned for a specific purpose and the summary here today should hopefully give assurance to Audit Committee that things were being investigated. All aspects would be fully looked into before a judgment was made but that would be a matter for the S151 Officer and Monitoring Officer.

Councillor Dale spoke about the statement of accounts and the Audit Committee's crucial role in scrutinising them as part of the three lines of defence. Members were able to look at the accounts and see what payments were made. If Audit Committee

had concerns, they should have been raised. She stated that she had highlighted problems and issues in the past.

The Chair stated that he was keen to follow up the recommendation made by the Head of Internal Audit and Risk Management to propose a review of any implications regarding the exit package that did not appear to have been reported (or correctly categorised) in the appropriate Notes to the Accounts within the respective Annual Statement of Accounts.

The Leader stated that he was deeply troubled about the issues highlighted within the report and the implications relating to the Council's processes and systems of internal control. He had been excluded from discussions around these payments and called for a full investigation.

Councillor Oliver stated that the report showed that there had been significant failures within the system including the Pay Policy Statement. He queried why sections of the Pay Policy Statement had been removed in certain years. He spoke about being a former Cabinet Member who had raised concerns. He said Members had not been advised about former officers' exit packages and when asked information was refused. He had additional information and evidence that could be passed to officers if required. He stated that accountability was important, and the cultural changes needed within the Council would only happen once this was embedded.

The Section 151 Officer confirmed that she had received the files from Internal Audit. She would review them in conjunction with the Monitoring Officer and take guidance. At the moment they had the information needed but asked for time and space to consider fully.

The Monitoring Officer respectfully asked Members to manage their expectations going forward with this issue. She advised that depending on what conclusions were reached would determine which democratic path would be followed including where such findings would be reported.

Councillor Jackson asked that Audit Committee be kept informed of progress made with this issue.

RESOLVED that that Audit Committee:

- (a) notes the findings and recommendations highlighted by Internal Audit;
- (b) considers the update as a source of assurance at the time it considers the Annual Governance Statement and as part of Audit Committee's role in 'monitoring the effectiveness of the control environment, including arrangements for ensuring value for money, supporting standards and ethics and for managing the authority's exposure to the risks of fraud and corruption.

The Leader withdrew from the meeting at this point.

65. REPORT OF THE HEAD OF INTERNAL AUDIT AND RISK MANAGEMENT

Preparation of the Strategic Audit Plan 2023/24

The purpose of the report was to outline the approach to preparing the 2023/24 Strategic Audit Plan, for consideration and endorsement by the Audit Committee. The

report also ensured the Audit Committee, as a key stakeholder of Internal Audit's work, was engaged at an early stage in the planning process. (A copy of the report has been filed with the signed minutes).

RESOLVED that Audit Committee:

- (a) consider and endorse the approach to preparation of the 2023/24 Strategic Audit Plan, and
- (b) are also invited to highlight any areas for consideration by the Head of Internal Audit and Risk Management, for inclusion in the 2023/24 Strategic Audit Plan.

66. REPORT OF THE HEAD OF INTERNAL AUDIT AND RISK MANAGEMENT

Public Sector Internal Audit Standards

K. McDonald, Head of Internal Audit and Risk Management introduced the report which aimed to inform Audit Committee of the requirements of the Public Sector Internal Audit Standards (April 2017) and the related Local Government Application Note; and the conformance by Northumberland County Council's Internal Audit service to the requirements of these standards. (A copy of the report has been filed with the signed minutes).

Councillor Dale expressed her gratitude to the work of Internal Audit, particularly since they had recently ended the shared service with North Tyneside Council and were still adjusting to the new arrangement.

RESOLVED that Audit Committee:

- a. Note the legal requirements to be fulfilled by all providers delivering Internal Audit activity within relevant authorities in England and Wales (the Public Sector Internal Audit Standards and related Local Government Application Note);
- b. Note that a self-assessment of adherence to the Public Sector Internal Audit Standards and the related Local Government Application Note has been performed and a summary is attached as Appendix A. This demonstrates that Northumberland County Council's Internal Audit service has demonstrated a high level of conformance to the requirements of the standards;
- c. Note that in the small number of areas where further development has been identified to secure full conformance to the standards, appropriate actions are planned to ensure this is the case, and that updates will be provided to future meetings of Audit Committee on progress in relation to these actions;
- d. Agree the Quality Assurance and Improvement Programme which is attached as Appendix B, which is a requirement of the Public Sector Internal Audit Standards;
- e. Note that it is a requirement that the Internal Audit service will be externally assessed at least once in every five years, and agree that Northumberland County Council's external assessment will be performed before the end of March 2023 by CIPFA (Chartered Institute of Public Finance and Accountancy);
- f. Agree that the outcomes from the external assessment will be reported to a future meeting of Audit Committee once the external assessment has been completed.

67. REPORT OF THE EXTERNAL AUDITOR

Audit Progress Report

This report provided the Committee with:

- an update in respect of 2019/20 value for money (VFM) work;
- an update in respect of 2020/21 remaining audit work;
- an update in respect of 2021/22 audit work; and
- a summary of recent relevant national reports and publications for your information (Section 2).
- J. Dafter drew members' attention to the main points in the report including the temporary relief now available to local authorities regarding infrastructure assets (a copy of which has been filed with the signed minutes).

In response to a question raised from Councillor Oliver regarding the Council's Value for Money arrangements work, it was reported that it was hoped this would be completed soon.

RESOLVED that the External Audit Progress report be noted.

68. DATE OF NEXT MEETING

RESOLVED that the next meeting is scheduled for Wednesday, 29 March 2023 at 10.15 a.m.

69. EXCLUSION OF PRESS AND PUBLIC

RESOLVED:

- (a) That under Section 100A (4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of the following items on the Agenda as it involves the likely disclosure of exempt information as defined in Part I of Schedule 12A of the 1972 Act, and
- (b) That the public interest in maintaining the exemption outweighs the public interest in disclosure for the following reasons:-

Agenda Item

17 & 18 Paragraph 3 of Part 1 of Schedule 12A

Information relating to the financial or business affairs of any particular person (including the authority holding the information).

Disclosure could adversely affect the business reputation or confidence in the person/organisation, and could adversely affect commercial revenue.

70. ADVANCE NORTHUMBERLAND LIMITED

Executive Management response to the 2021 KPMG report

Councillors L. Grimshaw and P. Jackson declared interests in this matter and stated they would take no part in the discussion. Also, Councillor Dale advised that she would need to leave the meeting at this point to attend a prior commitment. It was noted that this would make the meeting inquorate. However, the Monitoring Officer advised that as the report was for information and no decision was to be taken, Members could proceed.

Members received a summary prepared for Northumberland County Council's Audit Committee. (A copy of the report has been filed with the signed minutes, coloured pink and marked "Not for Publication").

K. Gardner, Interim Chair of Advance Northumberland Audit Committee and R. Earl, Advance Northumberland Chief Operating Officer were in attendance to discuss the Executive Management response to the 2021 KPMG report.

Members congratulated Advance Northumberland for the significant progress made and the continuing good relationship between the two Audit Committees.

RESOLVED that the report be noted.

K. Gardner and R. Earl withdrew from the meeting at this point.

71. REPORT OF THE HEAD OF INTERNAL AUDIT AND RISK MANAGEMENT

Group Audit Committee: Advance Northumberland Internal Audit Plan 2022/23 Update and Preparation of the 2023/24 Internal Audit Plan

The purpose of the report was to provide an update to Group Audit Committee on progress with the 2022-2023 Internal Audit Plan covering Advance Northumberland Group of Companies. The report also outlined the approach to preparing the 2023/24 Internal Audit Plan. (A copy of the report has been filed with the signed minutes, coloured pink and marked "Not for Publication").

K. McDonald, Head of Internal Audit and Risk Management detailed the main points of the report for members.

RESOLVED that Group Audit Committee notes and considers the update on the Advance Internal Audit Plan for 2022-2023 summarised in Appendix 1, together with the approach to be undertaken in preparation of the 2023/24 Internal Audit Plan, as part of Group Audit Committee's role in maintaining governance oversight of all entities within the County Council's accounting group boundary.

CHAIR	 	
DATE	 	

NORTHUMBERLAND COUNTY COUNCIL

AUDIT COMMITTEE

MONITORING REPORT / ACTION LOG 2022-23

Stephen Watson, Chair of Audit Committee
E-mail Stephen.Watson03@northumberland.gov.uk

NORTHUMBERLAND COUNTY COUNCIL AUDIT COMMITTEE ACTION LIST

Ref	Date	Report	Action	To be actioned by	Outcome
1.	28.09.22	Caller Report	Regular updates on progress made to address issues raised from the Caller Report including monitoring the Action Plan. For the item to be placed on the Work Programme. Update received at January 2023 meeting on the Challenge Board progress	Executive Director for Resources & Transformation (S151) to update when appropriate.	
2.	28.09.22	Strategic Transformation Programme Business Case	To receive a report on the business case to ensure best value for money. For the item to be placed on the Work Programme. Corporate Services and Economic Growth OSC would scrutinise the Business Case and suggested a discussion with the Chair and Vice Chair of the Committee to ensure there was no duplication of workload.	Executive Director for Resources & Transformation (S151)	
3.	28.09.22	Adult Social Care and wider NHS changes	Monitor any impacts and for the item to be placed on the Work Programme.	Executive Director for Resources & Transformation (S151) to update when appropriate.	
4.	31.11.22	Update on the Independent Review of International	Further update report to be presented to the November meeting.	Executive Director for Resources & Transformation (S151)	Report scheduled for March 2023 meeting. Report deferred.

Updated: 29 March 2023

5.	25.01.23	Review of Exit	Audit Committee be kept informed where	Head of Internal
		Packages	appropriate.	Audit and Risk
				Management /
				Executive Director
				for Resources &
				Transformation
				(S151)

WORK PROGRAMME

ISSUE

29 March 2023

Internal Audit & Risk Management

- Strategic Audit Plan 2023-24
- Annual Audit Committee Work Programme
- Corporate Risk Management

Corporate Finance

- Group Boundary Review 2022-23
- Statement of Accounts 2020-21 (deferred from September 22 Meeting)

External Audit

• Audit Completion Report 2020-21 (deferred from September 22 Meeting)

Counter Fraud Team

Counter Fraud Update

Group Audit Committee

Update Report

Education and Safeguarding Performance

• Review of External Inspection Reports

MEETING DATES TO BE CONFIRMED/SCHEDULED

- Regular updates on progress made to address issues raised from the Caller Report including monitoring the Action Plan.
- Examine the Strategic Transformation Programme Business Case

Updated: 29 March 2023

• Monitor any impacts from recent changes within Adult Social Care and wider NHS changes.

Deferred from March Meeting Date

- International Review Update
- Annual Review of Audit Committee Effectiveness
- Auditors Annual Report 2020-21 (deferred from September 22 Meeting)
- Audit Strategy Memorandum 2022-23 (deferred from January 23 Meeting)
- Consideration of Going Concern Status 2022/23
- Final Audit Completion Report 2021-22 (deferred from November 22 Meeting)
- NCC Statement of Accounts 2021-22 (deferred from November 22 meeting)

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AUDIT COMMITTEE

29 MARCH 2023

AUDIT COMMITTEE WORK PROGRAMME 2023/24

Report of Kevin McDonald, Head of Internal Audit and Risk Management

Purpose of report

The purpose of this report is to propose a programme of core business for the Audit Committee for 2023/24, in accordance with its Terms of Reference as set out in the Council's Constitution.

Recommendations

It is recommended that the Audit Committee agrees:

- 1) the proposed 'core business' work programme set out within the report, for 2023/24;
- 2) that it may be necessary to change or adapt the proposed reports to be considered, to ensure optimum timing of consideration of governance issues, and to respond to emerging trends during the year:
- 3) that the Committee will receive additional reports on any ad-hoc items of business arising during the year, as these relate to its responsibilities under its Terms of Reference, in the usual way; and
- 4) that work is underway to undertake a review of Audit Committee arrangements, in consultation with stakeholders, taking into account the most recent good practice guidance for local authorities issued by the Chartered Institute of Public Finance and Accountancy (CIPFA) in October 2022, with the outcome reported to a future meeting of Audit Committee and this work programme updated as appropriate.

Link to Corporate Plan

The work of the Audit Committee contributes to the achievement of all priorities in the Council's Corporate Plan. In particular, it supports the "How" priority of the Corporate Plan 2021-2024.

Key issues

- 1 An Audit Committee work programme is developed annually to drive the frequency and duration of meetings, ensuring the Committee receive adequate coverage of assurance reports whilst maintaining an appropriate focus on business concerns and minimising the resource requirements in their preparation and presentation.
- 2 The work programme is also useful to officers in planning, monitoring and managing reporting throughout the year. Accordingly, the previous work programme has been reviewed to identify a proposed work programme for 2023/24.
- 3 This updated programme reflects known changes in service delivery; ensures that legal requirements relating to governance, risk and control obligations can be met; and aims to ensure that the Audit Committee receives information at the optimum times during the year to properly perform its role as set out in the Constitution and its Terms of Reference.
- 4 At its meeting on 4 November 2020 full Council agreed that a Group Audit Committee for all entities within the County Council's accounting group boundary would be established, and that the County Council's Audit Committee would be designated the Group Audit Committee. The County Council's Constitution was updated to reflect this and incorporate Terms of Reference for the Group Audit Committee.
- Work is underway with the Chair of the Audit Committee to undertake a review of Audit Committee arrangements, in consultation with member and officer stakeholders, taking into account the most recent 'Position Statement on Audit Committees in Local Authorities and Police' and accompanying good practice guidance for local authorities issued by CIPFA in October 2022. The outcome of the review, and any proposals to update the Committee's work programme in response to the review's findings, will be reported to a future meeting of Audit Committee.
- Internal Audit will continue to present an update of its work in relation to the Council's active group entities to each scheduled meeting of the Audit Committee. The active companies within the Council's group currently relate to those within the Advance Northumberland Group of Companies.

Background

- 7 The core programme of work for the Audit Committee covers its main areas of responsibility as set out in its Terms of Reference agreed in the Council's Constitution. This work programme aims to ensure that the Committee is properly able to discharge its duties effectively and efficiently, strengthening the Council's overall governance arrangements, and to highlight which reports are planned for presentation to each meeting throughout the financial year.
- 8 The work programme recognises that it is also necessary to update the Audit Committee on an ad-hoc basis, as relevant and topical areas arise during the year.
- 9 For several years, the work programme has proved very helpful in planning, monitoring and managing reporting to the Audit Committee and, accordingly, has been reviewed to identify a proposed work programme for 2023/24, set out below.

Constitution and Terms of Reference

- 10 The Council's Constitution, updated in February 2021 and incorporating the Terms of Reference for the Audit Committee approved in November 2020, sets out that the Audit Committee provides assurance on the adequacy of the risk management framework and internal control environment of the Council, has oversight of the financial reporting process and oversees the Council's internal and external audit processes. The Constitution also sets out that the Committee acts as the parent Group Audit Committee for all entities within the County Council accounting group boundary with responsibility for maintaining governance oversight of all group entities.
- 11 The Committee's Terms of Reference identify a number of clear roles for the Audit Committee to discharge, throughout the course of the year. Some aspects of the Committee's business are time-bound in nature (e.g. relating to the Council's Accounts, or agreeing future plans of work), whilst other items can reasonably be considered at any point during the year allowing some flexibility in planning the work programme of the Committee. The Committee's Terms of Reference establish a separate set of roles for the Committee to discharge its Group Audit Committee responsibilities.

Identification of Core Business Areas

12 The Audit Committee's responsibilities as set out in the Constitution can reasonably be expected to form the basis of the core business of the Audit Committee. The work programme is reviewed annually in consultation with lead report authors within the Council, and the external auditor, to ensure it continues to be based upon the Committee's responsibilities as set out in the Constitution and to ensure that reports are scheduled to reach the Audit Committee at the optimum time during the year.

Proposed Annual Work Programme

- 13 The following programme of the core business of the Committee for 2023/24 is proposed. This sets out the suggested timing and frequency of reports in the coming year and ensures that the responsibilities defined in the Constitution can be met. The proposed programme will help to ensure that the Committee continues to receive necessary information at the right time during the year.
- 14 In order to help with a sector wide resourcing and capacity issue, the Department for Levelling Up, Housing and Communities (DLUHC) extended the deadline for publishing 2021/22 audited local authority accounts from the end of July 2022 to the end of November 2022. For 2022/23 through to 2027/28, DLUHC have extended the deadline for audited local authority accounts to be published to the end of September each year.
- 15 The work programme has been prepared in consultation with officers in Internal Audit and Risk Management, Finance, Democratic Services and the external (local) auditor, Mazars LLP. As reported to Audit Committee, some external audit work in relation to 2019/20, 2020/21 and 2021/22 is ongoing and this may impact on the proposed work programme. The Committee will be kept up to date as these matters progress.
- 16 The work programme should be treated as a helpful guide, and it may be necessary to alter or amend the proposed timing during the year as work progresses. Where this is the case, the relevant report author will be responsible for informing the Chair of the Audit Committee, and Democratic Services.

Month	Internal Audit, Risk Management & Corporate Fraud	Corporate Finance	External Audit	Reports from Other Service Areas
May 2023	 Annual Report from Chief Internal Auditor and Opinion on the Framework of Governance, Risk Management and Control Key Outcomes from Internal Audit Assignments Final Outturn Report (showing performance in achieving the previous year's Strategic Audit Plan from Internal Audit) Update on Internal Audit work in relation to active group entities 	Annual Governance Statement 2022/23	Audit Progress Report	
G uly 2023 2	Update on Internal Audit work in relation to active group entities	 NCC Statement of Accounts 2022/23 - Update Treasury Management Annual Report 2022/23 	Audit Strategy Memorandum 2022/23	FPS Local Pension Board Annual Report
September 2023	 Counter Fraud Annual Report Risk Management Update Update on Internal Audit work in relation to active group entities 	NCC Statement of Accounts 2022/23	 Final Audit Completion Report Annual Auditors Report 	Education & Safeguarding Performance – Review of External Inspection Reports
November 2023	 Key Outcomes from Internal Audit Assignments Strategic Audit Plan Monitoring Report Update on Internal Audit work in relation to active group entities 	Treasury Management In-year Update Report	Audit Progress Report	

Month	Internal Audit, Risk Management & Corporate Fraud	Corporate Finance	External Audit	Reports from Other Service Areas
January 2024	 Approach to preparing the Strategic Audit Plan 2024/25 Update on Internal Audit work in relation to active group entities 	 Statement of Accounts 2023/24 - Timetable and Policies Changes to the Code of Practice for 2023/24 Northumberland County Council – Consideration of 'Going Concern Status' for the Statement of Accounts for the year ended 31 March 2024 Treasury Management Strategy Statement for the Financial Year 2024/25 	Audit Progress Report	
March ©024 0 23	 Counter Fraud Update Risk Management Update Report Strategic Audit Plan 2024/25 Annual Audit Committee Work Programme Annual Review of Audit Committee Effectiveness Update on Internal Audit work in relation to active group entities 	 Group Boundary Review 2023/24 Annual Governance Statement 2023/24 	Audit Progress Report	Education & Safeguarding Performance – Review of External Inspection Reports

Implications

Policy	The role of Audit Committee is set out in the Council's Constitution and the Audit Committee's Terms of Reference.
Finance and value for money	Through its review of a range of audit, accounting and governance related items, the Audit Committee assesses the Council's use of financial resources and value for money.
Legal	The work of Audit Committee is undertaken in accordance with the Accounts and Audit Regulations 2015.
Procurement	None
Human Resources	There are no human resources implications arising directly from this report.
Property	There are no property implications arising directly from this report.
Equalities	An equalities impact assessment is not applicable to this report.
(Impact Assessment attached) Yes No	
N/A 🔟	
Risk Assessment	This report refreshes the work programme of the Committee, mitigating the risk that the frequency and timing of some reports may not be optimised.
Crime & Disorder	There are no crime and disorder issues directly arising from this report.
Customer Consideration	There are no direct customer considerations arising from this report.
Carbon reduction	There are no carbon reduction issues directly arising from this report.
Wards	All

Consultation

The proposed work programme of core business items has been proposed with reference to the Constitution and discussion with lead report authors within the Council and the external (local) auditor for consultation with Audit Committee.

As emerging issues or trends arise during the year, the core business items will be supplemented with additional reports agreed in association with the Chair of the Audit Committee.

Background Papers

• Northumberland County Council Constitution 24 February 2021.

Reports sign off

Finance Officer	N/A
Monitoring Officer/Legal	N/A
Human Resources	N/A
Procurement	N/A
I.T.	N/A
Portfolio Holder(s)	N/A

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COMMITTEE: AUDIT

DATE: 29TH MARCH 2023

Review Of External Inspection Reports – Adult Social Care and Children's Services

Report of Councillors: Guy Renner-Thompson and Wendy Pattison.

Lead Officers: Audrey Kingham, Executive Director of Children, Young People and Education and Neil Bradley, Executive Director of Adults, Ageing and Well being

1. Purpose of Report

To inform Members of the activity pertaining to Adults Social Care and Children's Services regarding external inspections and associated actions. This covers the period from 1st July 2022 to 31st December 2022.

2. Recommendations

The Committee is recommended:

1. To assess the effectiveness of the actions the Council takes in response to external inspections, and confirm an assurance that the Council is taking appropriate action in respect of any issues.

3. Link to Corporate Plan

This report relates to the Living, Learning and Tackling Inequalities elements of the Corporate Plan.

4. Key issues

- 84.8% of all Northumberland-based Adults Social Care providers were rated as Good or Outstanding at the end of December 2022, very similar to the position in the last report (84.9% at 30th June 2022).
- Inspections of children's residential homes have continued and there have been 3 inspections during the period. All 5 units are judged to be Good or better, with Kyloe secure unit judged as Outstanding on all criteria when it was inspected in the autumn. Children's Social Care received a positive focused visit in July relating to planning and achieving permanency.

- Inspections of schools recommenced in the summer term of 2021 and the findings have been positive overall, leading to an increase in the proportion judged Good or Outstanding in both the primary and secondary sectors (92% and 83%, respectively).
- Inspections of early years providers continue, and the vast majority are judged to be Good or Outstanding (97%), similar to the national average.

5. Background

The report focuses on inspection activity undertaken by the Care Quality Commission (CQC) and Ofsted between July 2022 and December 2022.

5.1 Adult Social Care CQC inspection status

84.8% of all Northumberland-based Adults Social Care providers were rated as Good or Outstanding at the end of December 2022, compared to 84.9% at the end of June 2022.

The table below describes the new registration and published inspection activity that has taken place between July and December 2022. It provides the detail of what settings / services have been inspected so that Elected Members can see where the changes have taken place.

Where ratings have deteriorated from Good to Requires Improvement, the local authority is working with the management of the settings to implement the actions required. This involves Council officers working to support the provider on whatever the issues are that have led to the deterioration in rating. This can be any one of the five domains that CQC inspect although the management of the home and the assessment of whether it is 'well led' is the most common area for care homes to struggle with compliance.

Where a service has been rated Inadequate, the volume and complexity of issues requires more intensive and prolonged officer input. It may also require the Council to restrict new placements into a service for safety reasons and to ensure the service can direct resources to rectifying problems. In the case of the two homes that are currently rated as Inadequate, CQC has escalated its regulatory action and proposed the removal of the homes' registration, which would effectively prevent it from operating. Council officers are offering support to try to avert this action.

This work is achieving positive results and we can see improvements where the work has been put in to rectify adverse ratings. Council officers are returning to their more proactive monitoring activities which aim to identify issues in advance of CQC inspections and enable providers to take remedial action prior to formal inspection. In addition, there are a series of proactive training and development events planned over the next 6 months which are aimed at improvements in service quality. The recruitment and retention of staff in social care services continues to cause challenges and is a significant drain on provider resources and the Council continues to support with local and national initiatives to resolve this although it remains a problem throughout the country.

Rating Status	Location Name	Location Primary Inspection Category	Lo cation Latest Overall Rating (December 2022)	Location Overall Rating (July 2022)
Chan ge d	Hepscott Care Centre	Residential social care	Good	Requires improvement
Chan ge d	Haydon View Residential Home	Residential social care	Good	Requires improvement
Changed	Tweedmouth House	Residential social care	Good	Requires improvement
Chan ge d	Mrs O's Caring Hands Homecare Limited	Community based adult social care services	Good	Requires improvement
Changed	Cavendish Homecare Ltd	Community based adult social care services	Good	Requires improvement
Chan ge d	Birkinshaw Manor	Residential social care	Requires improvement	Inadequate
Chan ge d	The Old Vicarage	Residential social care	Good	Outstanding
Changed	Summerhill	Residential social care	Requies improvement	Good
Chan ge d	Wilkinson Park	Residential social care	Requies improvement	Good
Chan ge d	Wansbeck Supported Living Service	Community based adult social care services	Requies exprovement	Good
Chan ge d	Aurora Home Care Ltd	Community based adult social care services	Requires improvement	Good
Chan ge d	Dolphin View Care Home	Residential social care	Requires an provement	Good
Chan ge d	Dene Grange Care Home	Residential social care	Requires Improvement	Good
Chan ge d	East Riding Care Home	Residential social care	Interdisquality	Requires improvement
Changed	Wexandra Park	Residential social care	Insidequate	Requires improvement
Newly published	Best Options Agency	Community based adult social care services	Good	- 7
Newly published	Brightside Supported Living Services	Community based adult social care services	Good	
Newly published	Lifeways Community Care (North of the Tyne)	Community based adult social care services	Good	
Newly registered	Rothbury Cottage Care Ltd	Residential social care	Not yet rated	S
De registere d	Balifigate	Residential social care		Good
De registere d	Sixth Avenue	Residential social care		Requires improvement
De registere d	Aspire Supported Living	Community based adult social care services		Good
Deregistere d	Home is Where the Help is Ltd	Community based adult social care services	1	Good
Unchanged	Bertinck Crescent	Residential social care	Good	Good
Unchanged	Eleanor Nursing and Social Care Ltd - Northumberland Office	Community based adult social care services	Good	Good
Unchanged	Abbeyfield House - Altwick	Residential social care	Requires improvement	Requires improvement
Unchanged	The Grange Nursing Home	Residential social care	Requires improvement	Requires improvement
Unchanged	Beresford Lodge Residential Care Home	Residential social care	Not yet rated	Not yet rated
Unchanged	Sphere Specialist Healthcare	Community based adult social care services	Not yet rated	Not yet rated
Unchanged	The Willows Home Care North East	Community based adult social care services	Not yet rated	Not yet rated

5.1.1 Local authority-managed inspected services

At the time of the last report, Wansbeck Supported Living Service (Hatfield Chase) had received an inspection by CQC and the draft report was still awaited. The report was returned as Requires Improvement and an action plan was put in place to address the issues found, which were predominantly around processes and the lapse of time between reviews. The service acknowledged that there had been some slippage due to COVID and staff shortages. All other Local Authority-managed provisions that have an inspection rating, are currently judged as being Good or above.

SERVICE	DATE LAST INSPECTED	INSPECTION OUTCOME
Chibburn Court	8.12.17	Overall Good
	2.2.22 (IPC)	Inspected but not rated (no issues observed)
Hatfield Chase	15.6.22	Requires Improvement
Sea Lodge	14.11.18	Good
	31.8.22 (targeted inspection for safe and well led)	Inspected but not rated. No areas for concern identified
Shared Lives	9.5.18	Good
Tynedale House	4.12.19 9.12.20 (Focused Visit)	Overall Outstanding
		Good practice in Infection, Prevention & Control (IPC)
STSS - Alnwick	20.12.18	Overall Outstanding
STSS - Berwick	27.6.17	Overall Outstanding
	18.2.20	

		Inspected but unable to complete due to COVID restrictions – will be reinspected at some point
STSS – South / Central	29.8.17	Overall Outstanding
STSS - West	4.7.17	Overall Outstanding

It is also to note that Chibburn Court has now been de-registered and the last resident moved into Hatfield Chase, which more appropriately met the gentleman's needs.

In the summer the CQC carried out 2 local authority "test and learn" projects with Hampshire and Manchester on how well local authorities are delivering part 1 of the Care Act. They also wanted to test the methodology for Integrated Care Systems (ICS's) North East London and South Yorkshire.

There is still the expectation by CQC that local authority inspections will commence from April 2023. However due to the CQC timeline for rolling out their new regulatory model slipping, this may now be rolled out later in 2023 and our provider services (Registered services) will no longer be inspected from January 2023 but later in 2023 with the new regulatory framework (no exact date has been given as yet). Until then they will continue to regulate using their existing approach, including registering, monitoring and inspecting against existing key questions and key lines of enquiry (KLOEs). They will continue to carry out monthly reviews and monitoring calls.

As part of their monitoring approach the CQC carried out a review in January 2023 of the data available to them about the following services: North STSS (Short Term Support Service) Alnwick; North STSS Berwick; Northumberland Supported Living Service; Shared Lives Northumberland; Southeast STSS; Tynedale House; West STSS Hexham. They found no evidence that they need to carry out an inspection or reassess the rating of each of the services.

5.2 Children's Services

This report features several types of Ofsted activity in Children's services: notably the Council's residential homes for children; the focused visit relating to Children's Social Care; schools and early years provision; and Special Educational Needs and Disabilities (SEND).

5.2.1 Children's residential homes

Inspections of children's residential homes have continued and there have been three inspections during the period 1st July – 31st December 2022. The findings have been positive and the detail of the judgements and associated comments are in the table overleaf:

HOME	JUDGEMENT	COMMENTS
KYLOE	Outstanding (prev	Judged Outstanding on all criteria
	Good)	Overall experiences and progress of children and young people, taking into
		account
		Children's education and learning outstanding
		Children's health outstanding
		How well children and young people are helped and protected
		The effectiveness of leaders and managers
BARNDALE	Good (prev	At the most recent inspection there were no Recommendations or Requirements.
	Outstanding)	When asked why the home was no longer judged as "Outstanding", the response
		was that it was due to the shared space and the building's appearance preventing a
		homely environment.
COANWOOD	Good (prey Good)	
PHOENIX	Good (prev	During this reporting period our open residential homes have experienced staffing
	Requires	shortages. Therefore, their ability to maintain a Good judgement is testament to the
	Improvement)	resilience, skills and commitment of our staff teams.
THORNDALE	Good (prev	
	Outstanding)	

5.2.2 Focused visit

In July, Children's Social Care received a focused visit from Ofsted relating to the Local Authority's arrangements for planning and achieving permanence. The findings were positive and the report can be found here. The headline findings include the statement: "Social workers identify permanence plans for children at the earliest opportunity. This helps most children to achieve permanence in a timely way. Social workers know their children well. They use personalised and sensitive tools to communicate effectively with children and prepare them for permanence. An established quality assurance framework assists senior leaders and managers in monitoring the progression of children's plans and the quality of social work practice."

It is anticipated that the next activity under the Inspection of Local Authority Children's Services framework (ILACS) will be in the form of a full inspection of the Council's Children's Services which will involve 5 days preparation following notification and then 5 days of fieldwork. The Youth Justice Service is also expecting its inspection this year, for which Her Majesty's inspectorate of Probation (HMIP) provides five weeks' notice.

5.2.3 SCHOOL INSPECTIONS

Between 1st July and 31st December 2022, 19 inspections took place. Schools that have no previous grade have academised since their last inspection.

Primary/First schools:

	Previous Grade	Current Grade	Report
Morpeth All Saints First School	Good	Good	<u>Here</u>
Stakeford Primary School	Good	Good	<u>Here</u>
Thropton Village First School	Good	Good	<u>Here</u>
Norham St Ceowulf's First School	Outstanding	RI	<u>Here</u>
Seaton Delaval First School	Good	Good	<u>Here</u>
Northburn Primary School	Good	Good	<u>Here</u>
NCEA Bishop's Primary School	-	Good	<u>Here</u>

Wooler First School	Good	Good	<u>Here</u>
St Michael's C of E Primary School	Good	Good	<u>Here</u>
Whittonstall First School	-	Good	<u>Here</u>
Stannington First School	Good	Good	<u>Here</u>
Whalton C of E Primary School	Outstanding	Good	<u>Here</u>
Morpeth First School	Outstanding	Good	<u>Here</u>
Otterburn Primary School	Good	Good	<u>Here</u>

The overall figure for the percentage of first/primary schools judged by Ofsted as Good or Outstanding was 92% at the end of December 2022, which is above the national average of 90%. This equates to 113 / 123 schools.

Secondary/High schools:

	Previous Grade	Current Grade	Report
Dr Thomlinson Middle School	-	Good	<u>Here</u>
The Duchess's Community High School*	RI	RI	<u>Here</u>
Bedlington Academy	-	Good	<u>Here</u>

^{*} Duchess's Community High School received a monitoring visit and were deemed to be Taking Effective Action. This does not change their grade.

The overall figure for the percentage of secondary schools judged by Ofsted as Good or Outstanding was 83% at the end of December 2022, which is above the national average of 81%. This equates to 25 / 30 schools.

Special Schools:

	Previous Grade	Current Grade	Report
NCEA Castle School	-	Good	<u>Here</u>
Hillcrest School	Good	Good	<u>Here</u>

The overall figure for the percentage of special schools judged by Ofsted as Good or Outstanding was 80% at the end of December 2022. This equates to 8 / 10 schools (including the Pupil Referral Unit).

Academies are not in the control of the Local Authority and therefore the Local Authority cannot intervene easily to drive forward improvement. However, we offer the same level of support to academies as maintained schools should they wish to accept it.

A list of Northumberland schools that have been inspected since September 2022 to mid February 2023 is available here.

5.2.4 EARLY YEARS

22 Ofsted inspections of childcare settings in Northumberland were carried out between 1st July and 31st December 2022. Of these, thirteen were inspections of childminding settings, eleven of which received a Good grading, one Outstanding, and one Inadequate. Nine private, voluntary or independent (PVI) group settings were inspected, six gaining Good and three Outstanding. All settings receiving a less than

Good outcome are visited by the Early Years Team to address issues. An Inadequate judgement means the setting is in breach of their funded hours contract and there will be no more funded children admitted until the grade has improved. Currently 97% of early years provision is graded as being Good or Outstanding, and this is similar to the latest all-England figure of 98%.

5.2.5 SEND (Special Educational Needs and Disabilities)

The new Area-wide inspection framework was released by Ofsted in November, 2022. It has been shaped by the pilot that Northumberland participated in back in March 2022. It is a graded inspection that focuses on the lived experience of children and young people with SEND, and their families. The first of these inspections in the north east region was announced on 27th February, 2023 (Hartlepool).

6. Implications

Policy	Raising standards in social care and education are Council priorities.		
Finance and value for money	None		
Legal	The committee's terms of reference state that it has a function to consider the Council's framework of assurance and ensure that it adequately addresses the risks and priorities of the Council. The results of external inspections are an independent view on an aspect of the County Council's framework of governance and the external inspections referenced in this report are included in the Annual Governance Statement which this committee reviewed in January.		
	Inspections are carried out under the legislative framework set out in:		
	 For educational provisions section 5 of the Education Act 2005, section 125 of the Education and Inspections Act 2006, and Childcare Act 2006. For Adult Social Care under the Care Quality Commission regulatory framework. For Children's Social Care under the Inspecting Local Authority Children's Services (ILACS) regulatory framework. 		
Procurement	None		
Human Resources	Regulatory inspections assess compliance with HR policies.		
Property	None		
Equalities	N/A.		
(Impact Assessment attached) Yes □ No □	No groups could be disadvantaged as a result of this report.		
N/A x			
Risk Assessment	Audit Committee reviewing a schedule of incoming inspection reports mitigates the risk of the Council not taking appropriate action in respect of such issues.		
Crime & Disorder	None.		

Customer Consideration	Ensuring that external inspections are properly followed up provides assurance that service weaknesses are being addressed.
Carbon reduction	More meetings are taking place virtually and hence the need to travel is less.
Health and wellbeing	Inspections take health and wellbeing into account when making judgements about their findings.
Wards	All

7. **Background Papers**

Ofsted focused visit (link inserted)

8. **Report Sign Off**

Interim Director of Law & Governance and Monitoring Officer	Suki Binjal
Executive Director of Resources & Transformation [Section 151 Officer]	Jan Willis
Executive Director of Children, Young People and Education	Audrey Kingham
Executive Director of Adult, Ageing and Well being	Neil Bradley
Chief Executive	Audrey Kingham [covering during Helen Paterson's annual leave]
Portfolio Holder(s) Councillor Wendy Pattison – Adults' Wellbeing	Wendy Pattison
Councillor Guy Renner- Thompson – Children and Young People	Guy Renner-Thompson

Author and Contact Details 9.

For more information, please contact: Alan Hartwell, Senior Manager Performance and Systems Support at:

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AUDIT COMMITTEE

DATE: 29 MARCH 2023

CORPORATE FRAUD INTERIM REPORT

Report of Cabinet Member: Councillor Richard Wearmouth, Portfolio Holder for

Corporate Services

Lead Officer: Kevin McDonald, Head of Internal Audit and Risk Management

Purpose of report

The purpose of this report is to update Audit Committee on Corporate Fraud activity undertaken during the period 1 April – 30 September 2022.

Recommendations

It is recommended that Audit Committee notes and considers the update on work undertaken by the Corporate Fraud Team, as part of Audit Committee's role in maintaining governance oversight of counter-fraud activity as part of the overall framework of governance, risk management and control.

Link to Corporate Plan

The work of the Corporate Fraud Team and the Audit Committee contributes to the achievement of all priorities in the Council's Corporate Plan. In particular it supports the "How" priority of the Corporate Plan 2021-24

Key issues

- 1 The Council is committed to providing an effective Anti-Fraud Service, supported by efficient policies and sanctions for those that offend. Counter fraud is the responsibility of everyone in the Council and by ensuring that effective measures are in place to prevent, detect, investigate, and report fraud we can ensure that public money is spent where it should be, on services for the community.
- 2 Failure to investigate fraud will see money leaving the Council by way of fraud or error and failure to tackle this effectively could lead to qualified subsidy claims and loss of revenue for the Council.

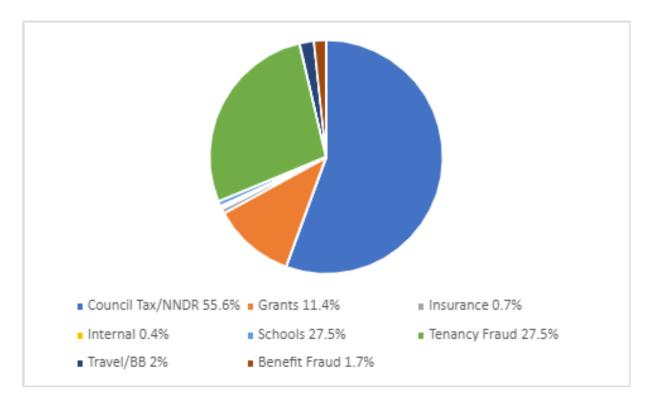
3 It is therefore important to demonstrate that resources are focused on fraud reduction and to identify, investigate and rectify administrative weaknesses to provide assurance of the quality and integrity of investigations.

Background

- 4 At the beginning of this reporting period, an interim structure was in place, which consisted of 1 Manager, 2 Investigating Officers, 1 Investigation Support Officer and 1 Admin Officer. Following a formal consultation process, a permanent structure was agreed to include capacity to deliver a 2-year project to review all households receiving Single Person Discount (SPD) on their Council Tax liability.
- 5 Two fixed-term posts were subsequently created, with the successful applicants commencing employment in August 2022. An additional Investigating Officer post was also subsequently created, with the successful applicant commencing employment in January 2023. Following the formal consultation process undertaken, the Corporate Fraud Team transferred from the Revenues and Benefits Service to the Internal Audit and Risk Management Service in December 2022.

Performance April – September 2022

Ouring this period, 594 referrals were opened and 455 closed. With the exception of the Right To Buy (RTB) verification and the first test run of SPD data matches, these were reactive referrals, where a report of a suspicion of fraud had been received. The chart below reflects the case categories for the 455 referrals closed – Council Tax and Tenancy Fraud are by far the largest areas of investigation, and we have therefore begun targeting proactive work in these areas.



7 The team were responsible for achieving fraud prevention, detection, and identification values shown in the table below.

Result Type	Total Achieved	Comment
Housing Tenancy	£0.168m	4 NCC properties were recovered and made available to those in need of secure, affordable housing
Right to Buy & Right to Acquire	NCC £0.849m Karbon £0.0735m Bernicia £0.369m	46 received / 19 withdrawn * 6 Received / 1 withdrawn 29 received / 16 withdrawn
Council Tax	£0.064m £0.011m	Council Tax Support Single Person Discount
Non-Domestic Rates	£0.002m	
Internal / Employee	£0.0081m	
Insurance	£0.0052m	
Covid 19 relief	£0.0706m	This figure includes business grants and self- insolation payments
Housing Benefit	£0.115m	We no longer investigate HB, overpayments are automatically created alongside CTR reassessments
Total	£1.7354m	

Table 1: Investigation Team Performance from 1 April – 30 September 2022

8 Additional external income totalling £0.013m was also generated during the period, as detailed in the table below.

Source	Value	Reason
Administration Penalties	£0.0027m	3 Administration Penalties accepted
Bernicia (RTB)	£0.0087m	29 Applications x £300
Karbon (RTB)	£0.0018m	6 Applications x £300
Total	£0.0132m	

Table 2: Additional income generated from 1 April – 30 September 2022

^{*} In addition to the savings outlined above, the 19 properties remain part of our housing stock and continue to generate rental income although no evaluation has been made of the additional income that this will provide for the Council each year.

9 With the relaxing of Covid restrictions the Corporate Fraud Team have been able to return to face-to-face interviews and more criminal-focused investigations. This has resulted in us being able to consider relevant sanctions and prosecution. Investigations closed with successful criminal sanctions during the period are summarised in the table below.

Sanction	Number	Details
Туре		
Administration Penalty (Only available for CTS investigations)	3	1 – CTS overpayment. Joint working case with DWP 1 – Tenancy Fraud & CTS. Property recovered and CTR overpayment. 1 - CTS
Caution	1	School Staff – overpayment of wages following end of employment
Total	4	

Table 3: Completed investigations resulting in successful sanctions from 1 April - 30 September 2022

Preventative Measures

10 The Corporate Fraud Team have worked with several external and internal departments to help assess their fraud risk and implement measures to deter fraudsters and prevent fraud and error entering the system. It is widely acknowledged that prevention is a far more cost-effective measure to reduce fraud and error than detection, however is far more difficult to measure. A summary of preventative activity undertaken during the period is summarised in the table below.

Partner	Summary of work
Right to Buy Teams - NCC, Karbon and Bernicia	Due diligence and Anti-Money Laundering checks on all NCC and Bernicia applications to ensure properties are only sold to those entitled.
	Karbon refer their more complex applications for further investigation.
Insurance	Additional investigation into cases progressing to litigation or are of high suspicion.
Accounts Payable, Payroll, Internal Audit	Arranged cybercrime training – how to identify and prevent becoming a victim of invoice fraud and financial frauds.
Action Fraud	Referrals made and worked with Action Fraud in cases of suspected organised fraud.

Partner	Summary of work
Planning and S106 Officers	Reviewed and implemented new and more robust application process for Discounted Market Value sales in the private sector. Provision of ongoing advice and investigation support.
School Organisation and Resources	Reviewed and implemented more robust advice to parents and carers receiving financial support.
Health and Safety Team, Revenues and Benefits Visiting Team	Arranged safety when interviewing training, implemented new staff safety procedures.
Business Grants	Assisted in pre-payment checks and ongoing support with post assurance and debt recovery action.

Table 4: Preventative activity undertaken in partnership from 1 April – 30 September 2022

Single Person Discount (SPD) Project

- 11 A proactive 2-year project launched during this period, with the aim of risk assessing and reviewing all households within Northumberland where SPD is applied to Council Tax liability. The project uses IDIS, our data matching system, and is led by an investigating officer who is supported by two SPD officers. Following review, home visits are being undertaken to households identified as potentially high risk and work is ongoing to develop a process to review households identified as potentially lower risk.
- 12 Following a period of development and training, the launch date for the project was 1 October 2022. Early indications are that the project will meet predicted financial targets, and updates will be provided in future reports to Audit Committee.

Regulation of Investigatory Powers Act 2000 (RIPA)

13 Since the last report to Audit Committee, there have been no applications for Directed Surveillance.

IMPLICATIONS

Area	Assessment
Policy	None.
Finance and value for money	Investigations into suspected fraud, corruption and theft help identify financial losses incurred by the Council and assist in the process of seeking recovery of such sums. It also supports the governance framework.
Legal	The County Council has a legal responsibility under the Accounts and Audit Regulations 2015, to ensure that it has a sound system of internal control which facilitates the effective exercise of its functions and the achievement of its aims and objectives, ensures that the financial and operational management of the authority is effective, and includes effective arrangements for the management of risk.
	As part of discharging this responsibility, the County council has a responsibility to embed effective standards for countering fraud, corruption and bribery into the organisation. This supports good governance and demonstrates effective financial stewardship and strong public financial management.
	Audit Committee's agreed Terms of Reference include responsibility for reviewing the assessment of fraud risks and potential harm to the Council from fraud and corruption, and to monitor the Council's counter-fraud strategy, actions and resources.
Procurement	None.
Human Resources	None.
Property	None.
Equalities	None.
(Impact Assessment attached)	An impact assessment is not applicable as the report does not require a key decision.
Yes □ No □ N/A 🗹	report does not require a key decision.
Risk Assessment	Work carried out within the scope of this report reduces the risk of financial loss and adverse publicity to the Authority through fraud.
Crime & Disorder	A programme of proactive counter fraud work reduces the potential opportunities for fraud and

	corruption within the Council's activities.
Customer Consideration	None.
Carbon reduction	Hybrid working has reduced the team's carbon footprint. Consideration is also given to combine visits to the same area to reduce the frequency of travel to the same area.
Wards	All.
Consultation	Section 151 Officer

REPORT SIGN OFF

Officer	Full Name
Interim Monitoring Officer/Legal	Suki Binjal
Executive Director of Finance & Section 151 Officer	Jan Willis
Relevant Executive Director	-
Chief Executive	Helen Paterson (Audrey Kingham on behalf of Helen Paterson)
Portfolio Holder(s)	Richard Wearmouth

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AUDIT COMMITTEE

29 March 2023

Statement of Accounts - Group Boundary Review

Report of: Richard Wearmouth, Portfolio Holder for Corporate Services

Executive Director: Jan Willis, Executive Director of Finance

1. Purpose of Report

- 1.1 The purpose of this report is to provide members of the Audit Committee with details of the boundary review which has been undertaken to determine those organisations which should have their financial statements consolidated into the Council's Statement of Accounts for the financial year ended 31 March 2023.
- 1.2 Particular consideration is given to the position of Active Northumberland.

2. Recommendations

- 2.1 It is recommended that the the Audit Committee:
 - a) Note the contents of the report;
 - b) Note that the financial statements of Advance Northumberland Limited will continue to be consolidated with the Council's Statement of Accounts for the financial year ended 31 March 2023;
 - c) Note that Northumberland Enterprise Holdings Limited's financial statements will be consolidated into the Council's Statement of Accounts;
 - d) Note the creation of Energy Central Campus Limited, and that the Council's share is likely to need to be included in the Council's Statement of Accounts once it becomes material, and that the findings of ongoing work in this area will be reported back to Audit Committee in May; and

e) Agree that Active Northumberland's financial statements **should not** be consolidated into the Council's Statement of Accounts for the financial year ended 31 March 2023.

3. Link to the Corporate Plan

3.1 This report is consistent with the priorities in the Corporate Plan 2021-24 "A Council that Works for Everyone".

4. Key Issues

- 4.1 The Council has undertaken an assessment (Boundary Review) in advance of producing its 2022-23 Statement of Accounts to ascertain if there are any relationships which fall under the definition of the Code of Practice on Local Authority Accounting in the United Kingdom 2022-23 ("the Code") and should therefore be consolidated into the group position. The outcome of the review is detailed within the report.
- 4.2 Paragraph 9.1.1.7 of the Code sets out a requirement to prepare group accounts where the authority has interests in subsidiaries, associates and/or joint ventures, subject to consideration of materiality.
- 4.3 The Code does not make any specific comments on the consolidation of charitable organisations in local authority financial statements; therefore, local authorities are required to follow the requirements of IFRS 10 and, where material, consolidate any charitable trust where an authority meets the criteria for control.
- 4.4 There has been no material change to the relationships between the Council and the companies considered in the report in 2022-23 and the recommendations in relation to consolidation are the same as in 2021-22, noting that the new jointly-owned Energy Central Campus Limited will need to be assessed for inclusion in the Council's Statement of Accounts once operational.

5. Advance Northumberland Group of Companies

- 5.1 Advance Northumberland Limited is a wholly owned company of the Council. The company was established on 13 November 2018 when all of the assets, liabilities and shares of the now dissolved Arch Group were transferred to it. The Company acts as the holding company for the Advance Northumberland Group and it conducts no business in its own right; its operational subsidiaries are as follows:
 - Wholly owned:
 - o Advance Northumberland (Commercial) Ltd
 - Advance Northumberland (Housing) Ltd
 - Advance Northumberland (Developments) Ltd
 - Advance Northumberland (Financial) Ltd
 - Joint venture:
 - o Prudhoe Estates LLP

- 5.2 The Council has a material financial interest and a significant level of control over Advance Northumberland Limited and it is named in the Council's Statement of Accounts as an "entity controlled or significantly influenced by the Council".
- 5.3 Since its inception, the financial statements of Advance Northumberland Limited (which incorporate the financials for the overall group of companies) have been consolidated with the Council's Statement of Accounts and they will continue to be consolidated for the financial year 2022-23.

6. Northumberland Enterprise Holdings Limited Group of Companies

- 6.1 Northumberland Enterprise Holdings Limited (NEHL) was incorporated on 17 September 2020 and is a wholly owned company of the Council. NEHL also owns a subsidiary company, Northumbria Integrated Consultancy Limited, which Cabinet agreed to dissolve on 17 November 2022.
- 6.2 The Council therefore has a significant level of control over NEHL and the company will be named in the Council's Statement of Accounts as an "entity controlled or significantly influenced by the Council", noting however that the interest is not financially material.
- 6.3 NEHL did not actively trade during 2022-23 but a number of operational costs were incurred; as such, its financial statements (which will include its subsidiary once active) will be consolidated within the Council's 2022-23 Statement of Accounts.

7. Active Northumberland

Determination of Control

- 7.1 The following factors should be considered when determining whether Active Northumberland should be consolidated with the Council's accounts. Active Northumberland is not a wholly owned or partially owned subsidiary of the Council.
 - 7.1.1 The purpose and design of the charitable trust:
 - Active Northumberland is registered at Companies House (08484436) as a Private Limited Company by guarantee without share capital use of 'Limited' exemption.
 - b. Active Northumberland is registered with the Charity Commission (1153198).
 - c. Active Northumberland's Memorandum and Articles of Association were amended on 17 April 2019 to change the membership of the charity to individual members only. There are no Board appointments from Northumberland County Council. The number of Trustees shall not be less than three and, unless otherwise agreed by the Trustees, shall not be

subject to any maximum. There are currently 10 Trustees on the Board (see Appendix A for details).

- d. Consideration needs to be given to the following:
 - Whether or not the Council has voting rights on the Board of Trustees;
 and
 - whether or not the Council is able to exercise the majority of voting power over the Trust.

Between 1 May and 13 July 2022, one Northumberland County Council member was appointed to the Board at Active Northumberland. The individual attended the April Board meeting in an observatory role but did not attend the June meeting of the Board, nor cast any votes in any Board decisions during their time as a Board member. There have been no other representatives from Northumberland County Council on the Board during 2022-23 and it can therefore be concluded that no direct influence has been exerted by the Council.

- e. The Council is not involved with the recruitment of Active Northumberland Board members. The Memorandum and Articles of Association allow the Active Northumberland Board the ability to appoint and remove Board members.
- f. All Active Northumberland Board members are required to adhere to the Code of Conduct and submit declarations of interest. A Trustee must declare the nature and extent of any interest, direct or indirect, which they have in a proposed transaction or arrangement with the Charity which has not previously been declared. A Trustee must absent themselves from any discussions of the Trustees in which it is possible that a conflict will arise between their duty to act solely in the interests of the Charity and any personal interest. The Trustee does not vote on any such matter. This can be evidenced in the Board minutes.
- 7.1.2 What the relevant activities of the charitable trust are and how decisions about those activities are made:
 - a. From 1 April 2018 Active Northumberland was commissioned by Northumberland County Council to provide Leisure Services. Whilst the Council determines what activities it requires Active Northumberland to deliver on its behalf, the Council is not involved operationally with how those services are delivered and this is a matter for the Active Northumberland Board. This can be evidenced in a strictly confidential letter dated 27 February 2018 from the Council's Chief Executive to the Chair of Active Northumberland.

- 7.1.3 IFRS 10 states that an investor (the Council) controls an investee (Active Northumberland) if and only if the investor has all the elements in 7.1.4, 7.1.5 and 7.1.6 below.
- 7.1.4 Whether the rights of the authority give it the ability to direct the relevant activities of the charitable trust. Such rights can be straightforward (e.g. through voting rights) or be complex (e.g. embedded in contractual arrangements). A holder of protective rights cannot have power over an investee and so cannot control the investee.
 - a. As described in point 7.1.2 operational decisions are taken by the Active Northumberland Board and not the Council. This can be evidenced in the Active Northumberland Board minutes and via the Partnership Agreement.
 - b. The Partnership Agreement between the Council and Active Northumberland does not contain protective rights.
- 7.1.5 Whether the authority is exposed, or has rights, to variable returns from its involvement with the charitable trust. Such returns must have the potential to vary as a result of Active Northumberland's performance and can be positive, negative, or both:
 - a. No positive returns are made from Active Northumberland to the Council. All balances are retained by Active Northumberland, and it is the decision of the Active Northumberland Board how those reserves are used. In the event that the charity dissolves then the Board will decide what it does with the funds.
 - b. The Council has provided significant additional funding to Active Northumberland in recent years to assist in minimising the impact of the Covid-19 pandemic. This could be assessed as a negative return under IFRS 10, although this has been due to exceptional circumstances (force majeure) and managed through a contract variation to the Partnership Agreement.
 - c. A letter of comfort has been provided to Active Northumberland for 2022-23 setting out the Council's intention to provide further support to assist in addressing the ongoing impact of Covid-19 and in recognition of significant inflationary pressures.
- 7.1.6 Whether the authority has the ability to use its power over the charitable trust to affect the amount of the returns to the Council:
 - a. No returns are made from Active Northumberland to the Council. The Council sets the scope in terms of the services that it would like Active Northumberland to provide. However, the Council does not exercise control or power over how Active Northumberland delivers these services. The Board of Active Northumberland determines the delivery plan.

- b. The Active Northumberland Board will formally request financial assistance for 2022-23 when the final amount is known.
- c. Active Northumberland serves only a single customer, the Council, which implies it is highly dependent upon the Council's actions, funding and wider support.
- d. Analysis suggests that Active Northumberland would struggle to leverage alternative funding arrangements, such as bank loans, as they have limited long-term assets. This increases the dependence upon the Council.

7.1.7 Other factors:

- a. The budget for Active Northumberland is funded predominantly by service income, as well as a management fee from the Council. The proportion of budgeted income which was service income in 2022-23 was 81%, the management fee was 12% with the remaining 7% being other financial support provided by the Council. In previous years Advance Northumberland provided a charitable donation of up to £1 million to Active Northumberland however this arrangement has now ended. Due to the cessation of the arrangement, it was agreed at the meeting of the County Council on 19 February 2020 that the Council would increase the management fee in 2019-20 and then in the subsequent two years by up to £1 million. It was subsequently agreed at the meeting of the County Council on 24 February 2021 that the Council continue this arrangement in 2021-22 and in the subsequent two years.
- b. The Council's 2022-23 Rate Relief Policy was approved at the meeting of the County Council on 23 February 2022. The policy grants 20% discretionary relief top up for business rates to leisure centres operated by Charitable Trusts. For Active Northumberland this amounts to £0.265 million in 2022-23.
- c. There is a Leisure Partnership Agreement for 2022-23 which formally documents the commissioner/provider contractual relationship between the Council and Active Northumberland for the provision of Leisure Services.
- d. There are quarterly review meetings between Active Northumberland and Northumberland County Council. The meetings are attended by the Council's client officer, Contracts Officer and representatives from Active Northumberland. Prior to each quarterly review meeting Active Northumberland is required to provide quarterly key performance indicators (KPIs) and a written report on progress and achievements against the Annual Plan. Quarterly KPI results are shared with the Council's Performance Team via the Corporate Performance system and reported to the Executive Team and Cabinet accordingly.
- e. A number of Service Level Agreements (SLAs) between Active
 Northumberland and the Council were agreed and effective from 1 April

- 2018. Active Northumberland purchases some of its support services from the Council. The SLAs were updated and continued throughout 2022-23.
- f. The Active Northumberland Board has a Finance and Audit Committee which meets bi-monthly. The purpose of the Committee is to assist the Board in its responsibilities by reviewing:
 - financial planning and information;
 - strategic financial plans, the annual operating and capital budgets and quarterly forecasts;
 - performance against plans and their key targets;
 - appropriateness of accounting and financial policies;
 - appropriateness and method of disclosure of information relating to Active Northumberland;
 - investment appraisal and post investment performance;
 - funding requirements and terms, including monitoring bank covenants;
 - financial liabilities;
 - monitor, review and report to the Board on the effectiveness of Active Northumberland's risk management processes and financial and other internal control systems;
 - overseeing Active Northumberland's relationship with its external auditors: and
 - Health and safety.
- g. Performance information is provided to the Active Northumberland Finance and Audit Committee and Board on a regular basis through the Finance Report.
- h. Active Northumberland has established and implemented its own business plan and strategy.
- The Board agreed to introduce its own internal audit provision. The contract was awarded in March 2020 to TIAA. A representative from TIAA attends Active Northumberland's Finance and Audit Committee.
- j. The 2022-23 budget was agreed by the Board at its meeting on 6 April 2022. A monthly report is produced to ensure that the Executive Team, Finance and Audit Committee and Board are informed of the financial position against the budget for 2022-23.
- k. The Council is in discussion with Active Northumberland regarding the level of assistance required to balance the budget for 2022-23. The provisional figure required as at December 2022 is £1.851 million, which has been reported in both parties' monthly financial reports.

8. Energy Central Campus Limited

- 8.1 This company is a transformational, business-led skills, education and innovation project supporting growth in the low carbon energy sector in Blyth and the wider North East. It was incorporated on 2 November 2021. It is a company limited by guarantee and has three joint owners:
 - Port of Blyth;
 - Northumberland County Council; and
 - ORE Catapult.
- 8.2 Given the nature of the equal three-way ownership, the Council does not have overall control over the company but has joint control with the other parties. As such, it is possible that the company will need to be incorporated into the Council's Statement of Accounts as either a joint arrangement or a joint venture; it should be noted that work is still ongoing to assess the necessary accounting approach.
- 8.3 It should also be noted that the value of the company is likely to be minimal as at 31 March 2023 so inclusion within the Council's 2022-23 Statement of Accounts is unlikely to be required.

9. Conclusions

- 8.4 The financial statements of the following entities should be consolidated into Council's Statement of Accounts for the financial year ended 31 March 2023:
 - Advance Northumberland Limited
 - Northumberland Enterprise Holdings Limited
- 8.5 It is anticipated that Energy Central Campus Limited will be included in the Council's Statement of Accounts at the point where its value becomes material, subject to ongoing discussions.
- The Council does not legally own Active Northumberland, nor does it have direct control via members on the Active Northumberland Board. It is a third-party legal entity with a contractor relationship with the Council. Although Active Northumberland is highly dependent upon the Council and has received significant financial support to mitigate the impact of Covid-19 and exceptional inflationary pressures, the Council is not contractually exposed to variable results from its involvement with Active Northumberland, nor does it have the ability affect the level of returns. Any support outside of the Partnership Agreement must be separately approved and agreed by both parties. It is concluded that Active Northumberland does not fall within the scope of group accounts as per the Code of Practice on Local Authority Accounting in the United Kingdom 2022-23 and IFRS 10 and should therefore continue to be out of scope of Northumberland County Council's consolidated Statement of Accounts for the financial year ended 31 March 2023.

Implications

The CIPFA Code of Practice on Local Authority Accounting in the United Kingdom 2021/22.
This report has no financial implications for the Council.
There are no specific legal implications within this report.
There are no specific procurement implications within this report.
There are no specific human resources implications within this report.
There are no specific property implications within this report.
There are no specific equalities implications within this report.
The risks associated with the budget were considered in February 2022 and were considered to be acceptable.
There are no specific crime and disorder implications within this report.
There are no specific customer consideration implications within this report.
There are no specific carbon reduction implications within this report.
There are no specific health & wellbeing implications within this report.
All wards.

Background papers

CIPFA's Code of Practice on Local Authority Accounting in the United Kingdom 2022/22 CIPFA's Code of Practice on Local Authority Accounting in the United Kingdom 2022/23 guidance notes for practitioners

CIPFA's Accounting for Collaboration in Local Government

Report sign-off

	Name	
Monitoring Officer	<mark>Suki Binjal</mark>	
Executive Director of Finance & Section S151 Officer	Jan Willis	
Relevant Executive Director	Jan Willis	
Chief Executive	Helen Paterson	
Portfolio Holder	Richard Wearmouth	

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Current Board Membership of Active Northumberland (March 2023)

Trustee	Role	Appointment Date
David Hall	Chair	19 October 2015
Jane Riley	Vice Chair	21 September 2018
Karla Sweeney	Secretary	1 April 2021
Malcolm Copland	Director	21 September 2018
Stephen Crosland	Director	21 September 2018
David Carss	Director	15 October 2021
Jamie Chapman	Director	15 October 2021
Brian Welsh	Director	15 October 2021
Helen Wilcox	Director	15 October 2021
Emma Williams	Director	19 October 2021

In year changes April 2022 to March 2023

Trustee	Role	Appointment Date	Resignation Date
Claire Riley	Director	12 February 2020	4 April 2022
Modaser Choudhary	Director	12 February 2020	10 February 2023
Jeff Watson	Director	1 May 2022	13 July 2022

Agenda Item 16

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

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