

## Notice of a public meeting of

### **Audit & Governance Committee**

**To:** Councillors Pavlovic (Chair), Fisher (Vice-Chair), Mason, D Taylor, Wann, Webb, Lomas

Mr Mann (Independent Member) and Mr Mendus (Independent Member)

**Date:** Wednesday, 18 September 2019

**Time:** 5.30 pm

**Venue:** The George Hudson Board Room - 1st Floor West Offices (F045)

### **AGENDA**

#### **1. Declarations of Interest**

At this point in the meeting, Members are asked to declare:

- any personal interests not included on the Register of Interests
- any prejudicial interests or
- any disclosable pecuniary interests

which they might have in respect of business on this agenda.

#### **2. Minutes (Pages 1 - 6)**

To approve and sign the minutes of the meeting of the Audit & Governance Committee held on 29 July 2019.

#### **3. Public Participation**

It is at this point in the meeting that members of the public who have registered their wish to speak can do so. The deadline for registering is by **5:00pm on Tuesday 17 September 2019.**

To register please contact the Democracy Officer for the meeting, on the details at the foot of this agenda.

### **Filming, Recording or Webcasting Meetings**

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The Council's protocol on Webcasting, Filming & Recording of Meetings ensures that these practices are carried out in a manner both respectful to the conduct of the meeting and all those present. It can be viewed at: [http://www.york.gov.uk/download/downloads/id/11406/protocol\\_for\\_webcasting\\_filming\\_and\\_recording\\_of\\_council\\_meetings\\_20160809.pdf](http://www.york.gov.uk/download/downloads/id/11406/protocol_for_webcasting_filming_and_recording_of_council_meetings_20160809.pdf)

**4. Mazars Annual Audit Letter 2018/19 (Pages 7 - 24)**

This report summarises the outcome of Mazars audit of the Council's 2018/19 annual accounts and their work on the value for money conclusion.

**5. New Code of Audit Practice - 2020 Consultation update (Pages 25 - 40)**

This report summarises the outcome of Mazars audit of the Council's 2018/19 annual accounts and their work on the value for money conclusion.

**6. Monitor 2 2019/20 - Key Corporate Risks (Pages 41 - 138)**

The purpose of this paper is to present Audit & Governance Committee (A&G) with an update on the key corporate risks (KCRs) for City of York Council (CYC).

**7. Internal Audit Follow Up Report** (Pages 139 - 146)

This is the regular six monthly report to the committee setting out progress made by council departments in implementing actions agreed as part of internal audit work.

**8. Audit & Counter Fraud Monitoring Report** (Pages 147 - 188)

This report provides an update on progress made in delivering the internal audit work plan for 2019/20 and on current counter fraud activity.

**9. Review of the Constitution and Governance Arrangements**  
(Pages 189 - 192)

This report provides an update to members of the Audit & Governance Committee regarding the proposed review of the Constitution and the Council's Governance Arrangements.

**10. Information Governance & Complaints** (Pages 193 - 212)

This report provides Members with updates in respect of:

- Information governance performance
- ICO decision notices
- Publication Scheme and publishing responses
- LGSCO Complaints from April 2019 to date of this report

**11. Audit & Governance Committee Forward Plan to July 2020**  
(Pages 213 - 220)

This paper presents the future plan of reports expected to be presented to the Committee during the forthcoming year to July 2020.

**12. Urgent Business**

Any other business which the Chair considers urgent under the Local Government Act 1972.

Democracy Officer:

Louise Cook

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For more information about any of the following please contact the Democracy Officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports

Contact details are set out above.

City of York Council

Committee Minutes

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Meeting	Audit & Governance Committee
Date	29 July 2019
Present	Councillors Pavlovic (Chair), Fisher (Vice-Chair), D Taylor, Webb, Lomas and Hook (Substitute for Councillor Wann) Mr Mendus (Independent Member)
Apologies	Councillors Mason, Wann and Mr Mann (Independent Member)

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## 12. Declarations of Interest

Members were asked to declare any personal interests not included on the Register of Interests, any prejudicial interests or any disclosable pecuniary interests which they may have in respect of business on the agenda.

Councillor Fisher declared a personal interest in Agenda Item 5 as he was a former CYC employee and in receipt of a teachers pension.

Councillor Webb declared he was a current teacher and paying in to the Teachers' Pension Scheme.

## 13. Minutes

Resolved: That the minutes of the meeting held on 19 June 2019 be approved and then signed by the Chair as a correct record.

### Matters Arising

Members raised the following matters arising from the minutes, which were still outstanding:

- Page 2 – Officers to send Members details of the membership of the Resilient Communities Group
- Page 3 – Officers to provide details of Equalities Impact Assessments to Members
- Page 6 – The Head of Internal Audit to check on the involvement of the Joint Standards Committee in producing the Whistleblowing Policy and report this back to Members.

#### **14. Public Participation**

It was reported that there had been two registrations to speak at the meeting under the Council's Public Participation Scheme, however one had been unable to attend the meeting.

Gwen Swinburn, a resident, spoke on the 2016 External Audit Public Interest Report and the Citizens' Audit objection she had made relating to this. Ms Swinburn stated that the related action plan was due to be reviewed this year and requested that the Committee ask the Monitoring Officer for a report on this. She also raised her concerns on the Constitution, which she suggested had not been updated since mid 2017 and contained hundreds of errors. She asked that the Committee ask for a housekeeping review of this document. Finally she raised items being considered at Staffing Matters and Urgency Committee in relation to a tp-tier staff restructure and Non-disclosure Agreements.

#### **15. Mazars Audit Completion Report**

Members considered the Audit Completion Report from Mazars which presented the findings of the audit for the year ended 31 March 2019.

The Engagement Lead (Partner) and Senior Manager, Mazars attended the meeting to present the report. They stated that they would be able to give an unqualified opinion on the accounts and an unqualified value for money conclusion by the statutory deadline of 31 July. They explained that they would write to the Committee to confirm closing procedures within the next few days. Finally, they thanked the finance team for their support and cooperation.

In response to member questions they stated:

- Misstatements identified were minor in nature and few in number. None had a material impact on the accounts;
- The letter attached at Annex B was standard across all Councils;
- Misclassifications in relation to the Housing Revenue Account were minor but additional information on the nature and value of adjustments would be included in the communication which would be sent over the next few days;

- There were adjusted misstatements every year, however the materiality of them may change;
- Mazars audited a number of sets of Local Government Accounts and CYC produced good quality accounts with only minor errors; and
- The Community Stadium was not classified as a significant risk.

Members thanked Mazars and CYC staff for their work.

Resolved: That Members note the matters set out in the Audit Completion Report presented by the external auditor.

Reason: To ensure the proper consideration of the opinion and conclusions of the external auditor in respect of the annual audit of accounts and review of the council's arrangements for ensuring value for money.

#### **16. Final Statement of Accounts**

Members considered a final set of accounts for 2018/19 to reflect changes made since the draft pre-audit accounts were presented to this committee on 19 June 2019.

The Finance & Procurement Manager and Technical Accountant attended the meeting to present the accounts. They explained that there had been no significant issues or major adjustments made, publication had been slightly delayed due to changes in relation to pensions, however these were minor changes. All changes made since the last meeting were highlighted in the agenda supplement.

In response to Member questions they stated:

- In relation to the Revenue Support Grant and Business Rates Pool, CYC had not missed out but Officers would check the detail;
- Details on student Council Tax discount and costs to the Council to be circulated to Members;
- Within the unallocated contingency, the underspend had masked movement in some areas and the budget amendment in July had put some further growth in to

those areas. Quarterly monitoring reports were considered at both Executive and the relevant scrutiny Committees;

- The Revaluation programme was a way of revaluating all assets on a rolling basis as it was unrealistic to do everything annually due to the size of the property team and number of assets held by the Council. All assets were valued at least every 5 years under this programme. Larger value assets were reviewed annually;
- The Officer responsible for Shared Ownership had been away for an extended period, but the scheme was now progressing and there would be more activity;
- School buildings and land that were leased to academies were shown with an asset value of nil, or as a disposal, due to the CIPFA code of practice, as the academy had use of the asset.

Resolved: That Members approve the amended Annual Financial Report at Annex A for signature by the Chair from a resolution of this Committee in accordance with the Accounts and Audit Regulations 2015.

Reason: To ensure compliance with the International Auditing Standards and other relevant legislative requirements.

## 17. **Forward Plan**

Members received the future plan of reports expected to be presented to the Committee during the forthcoming year to June 2020.

Members requested that the following items be added to the Forward Plan:

### 1. September

- KCR Report:
  - KCR 7 – York Central to be considered in detail
  - KCR 11 (Brexit) to be added
- Constitution and Governance Update Report (ahead of the paper to Executive)

### 2. December

- Review of the effectiveness of the Audit & Governance Committee



3. Update on the Public Interest Report and Action Plan. Officers stated they would check on this and update the Committee.

Resolved: That the Forward Plan be approved, subject to the above amendments.

Councillor Pavlovic, Chair

[The meeting started at 5.30 pm and finished at 6.20 pm].

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**Audit and Governance Committee**

18 September 2019

Report of the Corporate Finance & Commercial Procurement Manager  
(Interim S151 officer)

**Mazars Annual Audit Letter 2018/19****Summary**

1. The paper attached at Annex A from Mazars – the Council's external auditors – summarises the outcome of their audit of the Council's 2018/19 annual accounts and their work on the value for money conclusion.

**Background & Analysis**

2. The report covers:
  - a) Audit of financial statements
  - b) VFM Conclusion
  - c) Other reporting responsibilities
  - d) Fees
  - e) Forward look

**Options**

3. Not relevant for the purpose of the report.

**Corporate Priorities**

4. The report contributes to the overall effectiveness of the Council's governance and assurance arrangements.

**Implications**

5. There are no financial, HR, equalities, legal, crime and disorder, IT or property implications arising from this report.

**Risk Management**

- 6. The Council will fail to comply with legislative and best practice requirements to provide for a proper audit of the Council if it does not consider this report.

**Recommendations**

- 7. Members are asked to note the matters set out in the Annual Audit report presented by Mazars.

Reason: To ensure Members are aware of Mazars's progress in delivering their responsibilities as external auditors.

**Contact Details**

**Author:**

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Corporate Finance  
Ext: 1170

**Chief Officer Responsible for the report:**

Debbie Mitchell  
Corporate Finance & Commercial  
Procurement Manager (Interim S151  
officer)

**Report  
Approved**



**Date** 18  
September  
2019

**Wards Affected:** Not applicable

**For further information please contact the author of the report**

**Background Papers:**

None

**Annexes**

Annex A - Mazars Annual Audit Report

# Annual Audit Letter

City of York Council  
Year ending 31 March 2019





## CONTENTS

1. Executive summary
2. Audit of the financial statements
3. Value for money conclusion
4. Other reporting responsibilities
5. Our fees
6. Forward look

Our reports are prepared in the context of the 'Statement of responsibilities of auditors and audited bodies' issued by Public Sector Audit Appointments Ltd. Reports and letters prepared by appointed auditors and addressed to members or officers are prepared for the sole use of the Council and we take no responsibility to any member or officer in their individual capacity or to any third party.

Mazars LLP is the UK firm of Mazars, an international advisory and accountancy group. Mazars LLP is registered by the Institute of Chartered Accountants in England and Wales.

# 1. EXECUTIVE SUMMARY

## Purpose of the Annual Audit Letter

Our Annual Audit Letter summarises the work we have undertaken as the auditor for City of York Council for the year ended 31 March 2019. Although this letter is addressed to the Council, it is designed to be read by a wider audience including members of the public and other external stakeholders.

Our responsibilities are defined by the Local Audit and Accountability Act 2014 (the 2014 Act) and the Code of Audit Practice issued by the National Audit Office (the NAO). The detailed sections of this letter provide details on those responsibilities, the work we have done to discharge them, and the key findings arising from our work. These are summarised in the table below.

Area of responsibility	Summary
Audit of the financial statements	<p>Our auditor's report issued on 30 July 2019 included our opinion that the financial statements:</p> <ul style="list-style-type: none"> <li>• give a true and fair view of the Council's financial position as at 31 March 2019 and of its expenditure and income for the year then ended; and</li> <li>• have been prepared properly in accordance with the CIPFA/LASAAC Code of Practice on Local Authority Accounting in the United Kingdom 2018/19.</li> </ul>
Other information published alongside the audited financial statements	Our auditor's report issued on 30 July 2019 included our opinion that the other information in the Statement of Accounts is consistent with the audited financial statements.
Value for money conclusion	Our auditor's report concluded that we are satisfied that in all significant respects, the Council has put in place proper arrangements to secure economy, efficiency and effectiveness in its use of resources for the year ended 31 March 2019.
Reporting to the group auditor	In line with group audit instructions issued by the NAO, on 30 July 2019 we reported to the group auditor in line with the requirements applicable to the Council's WGA return.
Statutory reporting	<p>Our report confirmed that we did not use our powers under section 24 of the 2014 Act to issue a report in the public interest or to make written recommendations to the Council.</p> <p>The report also confirmed that we did not exercise any other special powers of the auditor under sections 28, 29 or 31 of the 2014 Act.</p>

## 2. AUDIT OF THE FINANCIAL STATEMENTS

Opinion on the financial statements

Unqualified

### The scope of our audit and the results of our work

The purpose of our audit is to provide reasonable assurance to users that the financial statements are free from material error. We do this by expressing an opinion on whether the statements are prepared, in all material respects, in line with the financial reporting framework applicable to the Council and whether they give a true and fair view of the Council's financial position as at 31 March 2019 and of its financial performance for the year then ended.

Our audit was conducted in accordance with the requirements of the Code of Audit Practice issued by the NAO, and International Standards on Auditing (ISAs). These require us to consider whether:

- the accounting policies are appropriate to the Council's circumstances and have been consistently applied and adequately disclosed;
- the significant accounting estimates made by management in the preparation of the financial statements are reasonable; and
- the overall presentation of the financial statements provides a true and fair view.

Our auditor's report, issued to the Council on 30 July 2019, stated that, in our view, the financial statements give a true and fair view of the Council's financial position as at 31 March 2019 and of its financial performance for the year then ended.

### Our approach to materiality

We apply the concept of materiality when planning and performing our audit, and when evaluating the effect of misstatements identified as part of our work. We consider materiality throughout the audit process, in particular when determining the nature, timing and extent of our audit procedures, and when evaluating the effect of uncorrected misstatements. An item is considered material if its misstatement or omission could reasonably be expected to influence the economic decisions of users of the financial statements.

Judgements about materiality are made in the light of surrounding circumstances and are affected by both qualitative and quantitative factors. As a result we have set materiality for the financial statements as a whole (financial statement materiality) and a lower level of materiality for specific items of account (specific materiality) because of the nature of these items or because they attract public interest. We also set a threshold for reporting identified misstatements to the Audit and Governance Committee. We call this our trivial threshold.

The table below provides details of the materiality levels applied in the audit of the financial statements for the year ended 31 March 2019:

Financial statement materiality	Our financial statement materiality is based on 2% of Gross Operating Expenditure	£8m
Trivial threshold	Our trivial threshold is based on 3% of financial statement materiality.	£240k



## 2. AUDIT OF THE FINANCIAL STATEMENTS

### Our response to significant risks

As part of our continuous planning procedures we considered whether there were risks of material misstatement in the Council's financial statements that required special audit consideration. We reported significant risks identified at the planning stage to the Audit and Governance Committee within the Audit Strategy Memorandum and provided details of how we responded to those risks in our Audit Completion Report. The table below outlines the identified significant risks, the work we carried out on those risks and our conclusions.

Identified significant risk	Our response	Our findings and conclusions
<p><b>Management override of controls</b></p> <p>In all entities, management at various levels within an organisation are in a unique position to perpetrate fraud because of their ability to manipulate accounting records and prepare fraudulent financial statements by overriding controls that otherwise appear to be operating effectively. Because of the unpredictable way in which such override could occur, we consider there to be a risk of material misstatement due to fraud and thus a significant risk on all audits.</p>	<p>We addressed this risk by performing audit work in the following areas:</p> <ul style="list-style-type: none"> <li>▪ accounting estimates impacting on amounts included in the financial statements;</li> <li>▪ consideration of identified significant transactions outside the normal course of business; and</li> <li>▪ journals recorded in the general ledger and other adjustments made in preparation of the financial statements.</li> </ul>	<p>Our audit procedures did not identify any material errors or uncertainties in the financial statements, or other matters that we wish to report, in relation to management override of control.</p>
<p><b>Property, plant and equipment valuations</b></p> <p>The CIPFA Code requires that where assets are subject to revaluation, their year end carrying value should reflect the appropriate fair value at that date. The Council has adopted a rolling revaluation model which sees all land and buildings revalued over a five year cycle.</p> <p>Although the Council employs an internal valuation expert to provide information on valuations, there remains a high degree of estimation uncertainty associated with the valuation of PPE because of the significant judgements and number of variables involved in providing valuations.</p> <p>In addition, as a result of the rolling programme of revaluations, there is a risk that individual assets which have not been revalued for up to four years are not valued at their materially correct fair value.</p>	<p>We considered the Council's arrangements for ensuring that PPE values are materiality fairly stated and engaged our own expert to provide data to enable us to assess the reasonableness of the valuations provided by the Council's in-house valuer.</p> <p>We reviewed the scope and terms of the engagement with the Council's in-house valuer and how management used the values report to value land and buildings in the financial statements. We also assessed the competence, skills and experience of the Council's valuer.</p> <p>In relation to the assets which have been revalued during 2018/19, we reviewed the valuation methodology used, including testing the underlying data and assumptions. We compared the valuation output with market intelligence provided by Gerald Eve, our expert and consulting valuers engaged by the National Audit Office, to obtain assurance that the valuations are in line with market expectations.</p>	<p>Our audit procedures did not identify any material errors or uncertainties in the financial statements, or other matters that we wish to report, in relation to property, plant and equipment valuations.</p>

(continued on next page).

## 2. AUDIT OF THE FINANCIAL STATEMENTS

### Our response to significant risks (continued)

#### Property, plant and equipment valuations (continued)

We also reviewed the approach that the Council adopted to address the risk that assets not subject to valuation in 2018/19 are materially misstated and considered the robustness of that approach in light of the valuation information reported by the Council's in-house valuers. In addition, we considered movement in market indices between revaluation dates and the year end in order to determine whether these indicate that fair values have moved materially over that time.

#### Defined benefit liability valuation

The net pension liability represents a material element of the Council's balance sheet. The Council is an admitted body of the North Yorkshire Pension Fund, which had its last triennial valuation completed as at 31 March 2016.

The valuation of the Local Government Pension Scheme relies on a number of assumptions, most notably around the actuarial assumptions, and actuarial methodology which results in the Council's overall valuation.

There are financial assumptions and demographic assumptions used in the calculation of the Council's valuation, such as the discount rate, inflation rates and mortality rates. The assumptions should also reflect the profile of the Council's employees, and should be based on appropriate data. The basis of the assumptions is derived on a consistent basis year to year, or updated to reflect any changes.

There is a risk that the assumptions and methodology used in valuing the Council's pension obligation are not reasonable or appropriate to the Council's circumstances.

We reviewed the controls that the Council has in place over the information sent to the scheme actuary, including the Council's process and controls with respect to the assumptions used in the valuation. We also:

- evaluated the competency, objectivity and independence of the scheme actuary, AON Hewitt;
- liaised with the auditors of the North Yorkshire Pension Fund to gain assurance that the controls in place at the Pension Fund are operating effectively. This included the processes and controls in place to ensure data provided to the actuary by the Pension Fund for the purposes of the IAS19 valuation is complete and accurate;
- reviewed the appropriateness of the Pension Asset and Liability valuation methodologies applied by the Pension Fund actuary, and the key assumptions included within the valuation. This included comparing them to expected ranges, utilising information provided by PWC, consulting actuary engaged by the National Audit Office; and
- agreed the data in the IAS 19 valuation report provided by the Fund actuary for accounting purposes to the pension accounting entries and disclosures in the financial statements.

Our audit work provided the assurance we sought and did not identify any indication of material estimation error in respect of the defined benefit liability valuation.

## 2. AUDIT OF THE FINANCIAL STATEMENTS

### Internal control recommendations

As part of our audit we considered the internal controls in place that are relevant to the preparation of the financial statements. We did this to design audit procedures that allow us to express our opinion on the financial statements, but this did not extend to us expressing an opinion on the effectiveness of internal controls.

We identified one internal control deficiency as part of our audit. This was not significant in nature and related to the Council's IT password policy. Management has agreed to strengthen arrangements to address the control recommendation during 2019/20. We are content with Management's response.

1. Executive summary

2. Audit of the financial statements

3. Value for money conclusion

4. Other reporting responsibilities

5. Our fees

6. Forward look

### 3. VALUE FOR MONEY CONCLUSION

**Value for money conclusion**

**Unqualified**

#### Our audit approach

We are required to consider whether the Council has made proper arrangements for securing economy, efficiency and effectiveness in its use of resources. The NAO issues guidance to auditors that underpins the work we are required to carry out in order to form our conclusion, and sets out the criterion and sub-criteria that we are required to consider.

The overall criterion is that, 'in all significant respects, the Council had proper arrangements to ensure it took properly informed decisions and deployed resources to achieve planned and sustainable outcomes for taxpayers and local people.' To assist auditors in reaching a conclusion on this overall criterion, the following sub-criteria are set out by the NAO:

- informed decision making;
- sustainable resource deployment; and
- working with partners and other third parties.

Our auditor's report, issued to the Council on 30 July 2019, stated that, in all significant respects, the Council put in place proper arrangements to secure economy, efficiency and effectiveness in its use of resources for the year ended 31<sup>st</sup> March 2019.

Sub-criteria	Commentary	Arrangements in place?
Informed decision making	<p>The Council has a Constitution which provides the framework within which the Executive takes decisions in exercise of Council functions. Decisions are supported by reports that outline options and relevant considerations.</p> <p>The senior management structure is periodically refreshed to ensure it remains appropriate. The Council has a formal system of risk management and maintains both corporate and directorate risk registers which identify actions required to mitigate the identified risks.</p> <p>The Council uses corporate and directorate service level performance measures to report and manage service delivery. This includes quarterly financial and performance monitoring reports and associated outturn reports, which present the current and forecast position on performance and finance in relation to the Council's activities - supporting effective decision making.</p> <p>A set of corporate indicators is in place that focuses on key Council priorities. Performance is monitored through Directorate Management Teams, Corporate Leadership Group and Corporate Management Team with reporting to the Executive and full Council.</p> <p>The Audit and Governance Committee provides oversight of the Council's governance framework. The Council's internal auditor carries out an independent review of the effectiveness of the system of internal control including governance, risk management and the wider control environment operating within the Council. In 2018/19 the annual head of internal audit opinion again provided 'substantial assurance'.</p>	Yes

1. Executive summary

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### 3. VALUE FOR MONEY CONCLUSION

Sub-criteria	Commentary	Arrangements in place?
Sustainable resource deployment	<p>The Council continues to make good progress in addressing the financial challenges it faces and has a proven track record of strong budget management and delivering planned budget reductions. The Council has monitoring and reporting arrangements in place and operational to quickly identify and tackle emerging financial issues and / or to develop compensating savings.</p> <p>The Council delivered financial outturn for 2018/19 £801k better than originally planned achieving a small budget underspend of £0.15m along with £648k of unallocated contingency. In addition, the Council successfully delivered recurrent savings of £4.9m.</p> <p>A balanced budget has been set for 2019/20 and good progress has been made in managing financial risks and identifying savings within directorates.</p> <p>A medium term financial plan (MTFP) highlighting key financial risks and pressures is updated annually and fully refreshed every four years.</p> <p>The budget and MTFP recognise the service demand pressures for adult and children's services with additional resources made available in these areas short term and a recognition that some of the more transformational savings plans will require a longer delivery period.</p> <p>The MTFP for 2019/20 to 2023/24 recognises the uncertainty around the 2019 spending review, as well as reforms to the business rates arrangements. It identifies a total funding gap from 2020/21 to 2024/25 of £18.6m and early work is underway to identify savings plans within directorates and across the Council. Developing a strong economy is seen as a key priority to maximise Council Tax and Business Rate income and help to bridge the gap between anticipated spending requirements and available resources.</p>	Yes

### 3. VALUE FOR MONEY CONCLUSION

Sub-criteria	Commentary	Arrangements in place?
Working with partners and other third parties	<p>The Council continues to work with partners and other third parties to explore scope for alternative delivery models with some already in place and others being considered.</p> <p>The Council is an active member of a number of strategic delivery partnerships. Through the Health and Wellbeing Board, for example, the Council is working with local partners to create a strategic health and care economy that supports people to be healthy, well and independent. This includes a Joint Health and Wellbeing Strategy and a Mental Health Strategy.</p> <p>The Council has a Better Care Fund arrangement in place with the Vale of York Clinical Commissioning Group. This promotes the integration of health and social care and the development of transformational projects through the use of pooled budgets and integrated spending plans.</p> <p>In terms of arrangements to support effective procurement, the Council has an up to date Procurement Strategy and procurement procedures in place. The Council maintains a contracts register and seeks to achieve best value from the procurement process, driving savings where possible, but also aiming to deliver sustainable services. The Council has a corporate procurement team to oversee procurement and along with other authorities in the area, the Council makes use of the Yortender system for the management of key procurements.</p>	Yes

### 3. VALUE FOR MONEY CONCLUSION

#### Significant audit risks

The NAO's guidance requires us to carry out work to identify whether or not a risk to our value for money conclusion exists. Risk, in the context of our work, is the risk that we come to an incorrect conclusion rather than the risk of the arrangements in place at the Council being inadequate. In our Audit Completion Report, we reported that we had identified one significant audit risk. The work we carried out in relation to this risk is outlined below.

Risk	Work undertaken	Conclusion
<p><b>Financial sustainability</b></p> <p>The Council's medium term financial plan (MTFP) sets out the financial challenges the Council faces in the medium term. The mid-year financial position for 2018/19 forecasted delivery of a balanced budget for the year. There were, however, financial pressures within Adult Social Care and Children's services, such that delivering a balanced budget was likely to require the use of contingencies and non-recurrent income.</p> <p>Whilst this was consistent with the MTFP, this use of one-off resources to support service delivery was indicative of the financial pressures faced by the Council in 2018/19.</p> <p>The continuing challenges the Council faced were not new and are not unique to the City of York Council. The challenges did, however, present a significant audit risk for our consideration of the arrangements in place to manage demand in your key service areas and deliver financial sustainability.</p>	<p>Building on our work in previous years, we reviewed the arrangements the Council has in place for ensuring financial resilience. Specifically, our work included reviewing:</p> <ul style="list-style-type: none"> <li>the Council's MTFP to ensure it takes into consideration factors such as the latest income projections, funding reductions, salary and general inflation, demand pressures, restructuring costs and sensitivity analysis given the degree of variability in the above factors; and</li> <li>the arrangements in place to monitor progress in delivering a balanced budget for 2018/19 and the related savings plans.</li> </ul>	<p>The Council has revised its MTFP for 2019/20 to 2023/24 to reflect changes in priorities agreed by the new Council Members and the financial challenges it continues to face. This is based on income, funding, pay and non-pay assumptions and recognises the risks associated with these assumptions.</p> <p>A balanced budget has been set for 2019/20 with a £4m savings target consistent with the MTFP.</p> <p>The MTFP and balanced budget for 2019/20 have been subject to scrutiny and challenge via established governance and reporting arrangements within the Council.</p> <p>Arrangements for monitoring progress in delivering a balanced budget and related savings plans have ensured that the 2018/19 budget was met, with a small underspend and unused contingency rolled forward to 2019/20. As with many other councils, demand led challenges remain in Children's and Adult Social Care services. The 2019/20 budget and MTFP recognise this, and additional resources have been allocated to these areas.</p> <p>It is noted that the Council has a good track record of achieving its financial plans and the required savings. For 2017/18 and 2018/19 the Council secured the planned savings overall..</p> <p>There are no matters which give rise to VFM reporting issues for 2018/19..</p>

## 4. OTHER REPORTING RESPONSIBILITIES

Exercise of statutory reporting powers	No matters to report
Completion of group audit reporting requirements	Below testing threshold
Other information published alongside the audited financial statements	Consistent

The NAO's Code of Audit Practice and the 2014 Act place wider reporting responsibilities on us, as the Council's external auditor. We set out below, the context of these reporting responsibilities and our findings for each.

### Matters on which we report by exception

The 2014 Act provides us with specific powers where matters come to our attention that, in our judgement, require reporting action to be taken. We have the power to:

- issue a report in the public interest;
- make statutory recommendations that must be considered and responded to publicly;
- apply to the court for a declaration that an item of account is contrary to law; and
- issue an advisory notice under schedule 8 of the 2014 Act.

We have not exercised any of these statutory reporting powers.

The 2014 Act also gives rights to local electors and other parties, such as the right to ask questions of the auditor and the right to make an objection to an item of account. Whilst we did not receive any such objections in 2018/19, we did receive a number of questions from local electors. We have considered the matters brought to our attention through this correspondence as part of our 2018/19 audit and our work to date has not identified any matters to report.

### Reporting to the NAO in respect of Whole of Government Accounts consolidation data

The NAO, as group auditor, requires us to complete the WGA Assurance Statement in respect of its consolidation data. We submitted this information to the NAO on 30 July 2019.

### Other information published alongside the financial statements

The Code of Audit Practice requires us to consider whether information published alongside the financial statements is consistent with those statements and our knowledge and understanding of the Council. In our opinion, the other information in the Statement of Accounts is consistent with the audited financial statements.



## 5. OUR FEES

### Fees for work as the Council's auditor

We reported our proposed fees for the delivery of our work in the Audit Strategy Memorandum, presented to the Audit and Governance Committee in February 2019.

Having completed our work for the 2018/19 financial year, we can confirm that our final fees are as follows:

Area of work	2018/19 proposed fee	2018/19 final fee
Delivery of audit work under the NAO Code of Audit Practice	£78,237	£78,237*

\* Subject to approval by the Public Sector Audit Appointments Ltd, we are proposing an additional fee of £3,075 for work undertaken in response to questions raised by local electors.

### Fees for other work

In addition to delivering audit work under the NAO's Code of Audit Practice, we have been engaged by the Council to carry out two pieces of assurance work as follows:

Area of assurance work	2018/19 proposed fee	2018/19 final fee
Housing Benefit Subsidy Claim	£11,500	£11,500*
Teachers' Pension Return	£5,000	£5,000*

\* Our work on the Housing Benefit Subsidy Claim and Teachers' Pension Return is not yet completed and consequently the final fee quoted above is still on an estimated basis.

## 6. FORWARD LOOK

### Audit Developments

#### Code of Audit Practice

The Code of Audit Practice sets out what local auditors of relevant local public bodies are required to do to fulfil their statutory responsibilities under the Local Audit and Accountability Act 2014. We have responded to the National Audit Office's consultation on the content of the Code (<https://www.nao.org.uk/code-audit-practice/about-code/>)

A new Code will be laid in Parliament in time for it to come in to force no later than 1 April 2020.

### Financial Resilience

#### Fair Funding Review

The Council will need to incorporate the impact of the Spending Review, due in the latter half of 2019, to its Medium Term Financial Plan. The Spending Review will set out the department allocations for 2020/21 and potentially beyond. Regardless of the timing and period covered by the Spending Review, the Council recognises the key issue is the management of general reserves to a level that ensures it remains financially resilient and able to deliver sustainable services. It must, therefore, ensure it clarifies and quantifies how it will bridge the funding gap through planned expenditure reductions and/ or income generation schemes.

#### Local Authority Financial Resilience Index

CIPFA is moving forward with its financial resilience index, which it believes will be a barometer on which local authorities will be judged. We would expect the Council to have at least considered the index once it is formally released.

#### Commercialisation

The National Audit Office intends to publish a report on Commercialisation during 2019. Depending on the appetite for Commercialisation, we would expect the Council to consider the outcome of the report and ensure any lessons learnt are incorporated into business practice.

Further, the UK Debt Management Office's Annual Report, published on 23 July 2019, reported that, as at 31 March 2019, the Public Works Loan Board's loan book was £78.3 billion with 1,308 new loans totalling £9.1 billion advanced during the year. As a result, we expect authorities to clearly demonstrate:

- the value for money in the use of Public Works Loan Board funds to acquire commercial property; and
- the arrangements for loan repayment through the updated Statutory Guidance on Minimum Revenue Provision in 2019/20, 2020/21 and beyond.

### Financial Reporting

#### UK Local Government Annual Accounts

The CIPFA/LASAAC Local Authority Code Board specifies the financial reporting requirements for UK local government. A consultation is underway to inform the direction and strategy for local government annual accounts. We will be submitting our response and suggest practitioners also voice their opinion.

#### Lease accounting

The implementation of IFRS 16 *Leases* in the Code is delayed until 1 April 2020. The Council will need a project plan to ensure the data analysis and evaluation of accounting entries is completed in good time to ensure any changes in both business practice and financial reporting are captured.

1. Executive summary

2. Audit of the financial statements

3. Value for money conclusion

4. Other reporting responsibilities

5. Our fees

6. Forward look

## 6. FORWARD LOOK

### Next year's audit and how we will work with the Council

We will focus our work on the risks that your challenges present to your financial statements and your ability to maintain proper arrangements for securing value for money.

In the coming year we will continue to:

- liaise with the Council's Internal Auditors to minimise duplication of work;
- attend Governance and Audit Committee meetings and presenting Audit Progress Reports including updates on regional and national developments; and
- host events for staff, such as our Local Government Accounts Workshop.

We will meet officers to identify any learning from the 2018/19 audit and will continue to share our insights from across local government and relevant knowledge from the wider public and private sector.

In terms of the technical challenges that officers face around the production of the statement of accounts, we will continue to work with them to share our knowledge of new accounting developments and we will be on hand to discuss any issues as and when they arise.

The Council has taken a positive and constructive approach to our audit and we wish to thank Members and officers for their support and co-operation during our audit.

1. Executive summary

2. Audit of the financial statements

3. Value for money conclusion

4. Other reporting responsibilities

5. Our fees

6. Forward look

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**Audit and Governance Committee**

18 September 2019

Report of the Corporate Finance & Commercial Procurement Manager  
(Interim S151 officer)

**New Code of Audit Practice – 2020 Consultation update****Summary**

1. The paper attached at Annex A from Mazars – the Council's external auditors – summarises the outcome of their audit of the Council's 2018/19 annual accounts and their work on the value for money conclusion.

**Background & Analysis**

2. The report covers:
  - a) Background
  - b) Stage 1 – Initial consultation
  - c) Stage 2 – Consultation on the text of the draft Code
  - d) Next Steps

**Options**

3. Not relevant for the purpose of the report.

**Corporate Priorities**

4. The report contributes to the overall effectiveness of the Council's governance and assurance arrangements.

**Implications**

5. There are no financial, HR, equalities, legal, crime and disorder, IT or property implications arising from this report.

**Risk Management**

6. Not relevant for the purpose of this report.

**Recommendations**

7. Members are asked to note the matters set out in the New Code of Audit Practice update report presented by Mazars.

Reason: To ensure Members are aware of current audit issues in the sector.

**Contact Details**

**Author:**

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Corporate Finance  
Ext: 1170

**Chief Officer Responsible for the report:**

Debbie Mitchell  
Corporate Finance & Commercial  
Procurement Manager (Interim S151  
officer)

**Report  
Approved**



**Date** 18  
September  
2019

**Wards Affected:** Not applicable

**For further information please contact the author of the report**

**Background Papers:**

None

**Annexes**

Annex A - Mazars New Code of Audit Practice – 2020 Consultation update.



# **NEW CODE OF AUDIT PRACTICE - 2020 CONSULTATION UPDATE**

**CITY OF YORK COUNCIL**

# Contents

- Background
- Stage 1 - initial consultation
- Stage 2 - consultation on the text of the draft Code
- Next steps



# BACKGROUND

Schedule 6 of the Local Audit and Accountability Act 2014 ('the Act') requires that the Code of Audit Practice ('the Code') be reviewed, and revisions considered at least every five years.

The current Code came into force on 1 April 2015 and the maximum five-year lifespan of the Code requires it to be reviewed and a new Code laid in Parliament in time for it to come in to force no later than 1 April 2020.

The National Audit Office ('NAO') is currently consulting on their proposed changes to the Code. This consultation is in two stages, as outlined in this document.

# STAGE 1 - INITIAL CONSULTATION

Stage 1 of the consultation has now closed. Key stakeholders were invited to respond to 21 questions across 6 sections of the Code. Our briefing paper highlights the NAO's responses to the consultation.

## Section 1 – status of the Code, application and general principles

- The NAO proposed maintaining a single Code, supported by sector-specific guidance.
- The NAO reviewed the current principles and considered strengthening references to proportionality, professional scepticism and acting in the public interest.
- Outside of the Code, the NAO reflected on how it could enhance auditor guidance on joint arrangements and partnerships.

## Section 2 – Audit of the financial statements

- The NAO proposed that the Code remained aligned to generally accepted auditing standards, for example, International Financial Reporting Standards ('IFRS') and International Standards on Auditing Standards ('ISA').
- The NAO stressed the importance of properly accounting for assets and liabilities, when local bodies engage in 'commercial activities'.

# STAGE 1 - INITIAL CONSULTATION

## Section 3 – The auditor’s work on economy, efficiency and effectiveness of corporate arrangements (value for money)

- The NAO will consider if the new Code should introduce a requirement for auditors to consider and report on specific risks, such as financial sustainability and governance.
- The NAO proposed that auditors should consider how local bodies gain assurance for their own arrangements.
- The NAO considered if auditors should include an annual opinion or replace/supplement the opinion with a commentary on specific risks set out in auditor guidance.

## Section 4 – Reporting the results of the auditor’s work

- The NAO considered if the Code should put greater emphasis on the need for ‘timely’ reporting, not only on the reporting deadline, but also in terms of raising issues at the appropriate time.
- The NAO considered how auditors report the results of their work. This includes the audit opinion on the financial statements and potentially a separate annual audit report, replacing the Annual Audit Letter. They also considered introducing a requirement to formally follow-up and report on progress against previous recommendations and set out the auditor’s view of the adequacy of the body’s response.

# STAGE 1 - INITIAL CONSULTATION

## Section 5 – Auditor’s additional powers and duties

The NAO reflected on the following:

- An expectation that auditors will report on whether they have exercised any additional powers and the considerations relevant to their decision.
- An expectation for auditors to promptly determine if they will accept an objection for consideration and that they will actively communicate with the elector and audited body on progress.

## Section 6 – Smaller authority assurance engagements

Not applicable to City of York Council.

# STAGE 2 – CONSULTATION ON THE TEXT OF THE DRAFT CODE

The NAO has considered their findings from stage 1 and they have incorporated them into the draft Code.

Stage 2 of the consultation will be open until November 2019 and the NAO has published a consultation document, which highlights the key changes to each chapter of the draft Code, based on its findings from stage 1.

Both of these documents can be found on the NAO's website at:

<https://www.nao.org.uk/code-audit-practice/code-of-audit-practice-consultation>

The NAO has summarised the proposed changes in its 'Local Audit in England Code of Audit Practice' document; we have highlighted the key changes in this section.

# STAGE 2 – CONSULTATION ON THE TEXT OF THE DRAFT CODE

## Section 1 – status of the code, application and general principles

- The draft Code retains the principle of maintaining a single Code, supported by sector-specific guidance for, for example, Local Government and the NHS. While it states that a principles-based approach remains appropriate, it does provide additional guidance on the definition of ‘wider scope’ in public audit, independence and public reporting.

## Section 2 – Audit of the financial statement

- The draft Code remains aligned with generally accepted auditing standards and provides the option to introduce enhanced auditor reporting on the financial statements at some, or all, local bodies.

# STAGE 2 – CONSULTATION ON THE TEXT OF THE DRAFT CODE

## Section 3 – The auditor’s work on economy, efficiency and effectiveness of corporate arrangements (value for money)

- The draft Code sets out a new approach to work in this area, including putting a sharper focus and an expectation for clearer and timely reporting.
- While the focus on the body’s arrangements to secure VFM and the risk-based auditor approach is retained, the draft Code revises the overall criterion and three supporting sub-criteria and will include statutory procedures auditors will need to complete in the following areas:
  - Financial sustainability
  - Governance
  - Improving economy, efficiency and effectiveness
- In a change to the current overall, binary conclusion relating to the previous year’s performance, auditors will be required to issue commentary on each of the criteria.

# STAGE 2 – CONSULTATION ON THE TEXT OF THE DRAFT CODE

## Section 4 – Reporting the results of the auditor’s work

- The NAO has outlined the requirements of local auditors’ main outputs in this section:
  - Auditor’s report on the financial statements (including any reporting required by auditing standards to those charged with governance).
  - The Auditor’s Annual Report – this should bring together all of the auditors work in the financial year, including the proposed changes to VFM reporting set out in section 3.

## Section 5 – Auditor’s additional powers and duties

- The draft Code emphasises the need to consider the impact of exercising additional powers, including considering the proportionality of auditors’ responses.
- It also puts additional emphasis on the need for auditors to consider public interest more widely and when to issue Public Interest Reports. The section also sets out the time period for each stage of the objection process.



# STAGE 2 – CONSULTATION ON THE TEXT OF THE DRAFT CODE

## Section 6 – Smaller authority assurance engagements

Not applicable to City of York Council.

## Next steps

The NAO plans to finalise the text included in the draft Code by the end of 2019, so that it can be laid before Parliament in 2020 and come into force from 1 April 2020. The NAO also plans to publish the results from the stage 2 consultation in early 2020.

# CONTACT

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**Audit & Governance Committee**

18 September 2019

Report of the Deputy Chief Executive/ Director of Customer and Corporate Services Directorate

**Monitor 2 2019/20 - Key Corporate Risks****Summary**

1. The purpose of this paper is to present Audit & Governance Committee (A&G) with an update on the key corporate risks (KCRs) for City of York Council (CYC), which is included at Annex A.
2. A detailed analysis of KCR7 (Capital Programme) is included at Annex B.
3. As requested by the Chair of A&G, an update on the York Central Project is also included at Annex D.
4. Included at Annex E is the Older Persons' Accommodation Gateway Review Briefing.

**Background**

5. The role of A&G in relation to risk management covers three major areas;
  - Assurance over the governance of risk, including leadership, integration of risk management into wider governance arrangements and the top level ownership and accountability for risk
  - Keeping up to date with the risk profile and effectiveness of risk management actions; and
  - Monitoring the effectiveness of risk management arrangements and supporting the development and embedding of good practice in risk management
6. Risks are usually identified in three ways at the Council;

- A risk identification workshop to initiate and/or develop and refresh a risk register. The risks are continually reviewed through directorate management teams (DMT) sessions.
  - Risks are raised or escalated on an ad-hoc basis by any employee
  - Risks are identified at DMT meetings
7. Due to the diversity of services provided, the risks faced by the authority are many and varied. The Council is unable to manage all risks at a corporate level and so the main focus is on the significant risks to the council's objectives, known as the key corporate risks (KCRs).
8. The corporate risk register is held on a system called Magique. The non KCR risks are specific to the directorates and consist of both strategic and operational risk. Operational risks are those which affect day to day operations and underpin the directorate risk register. All operational risk owners are required to inform the risk officer of any updates.
9. In addition to the current KCRs, in line with the policy, risks identified by any of the Directorates can be escalated to Council Management Team (CMT) for consideration as to whether they should be included as a KCR. KCRs are reported bi-annually to CMT.
10. The Risk and Insurance Officer attends DMTs bi-annually to update directorate risks.

### **Key Corporate Risk (KCR) update**

11. There are currently 13 KCRs which are included at Annex A in further detail, alongside progress to addressing the risks. A new risk KCR13 (Brexit) is included in this monitor.
12. In summary the key risks to the Council are:
- KCR1 – Financial Pressures: The Council's increasing collaboration with partnership organisations and ongoing government funding cuts will continue to have an impact on Council services
  - KCR2 – Governance: Failure to ensure key governance frameworks are fit for purpose.
  - KCR3 – Effective and Strong Partnership: Failure to ensure governance and monitoring frameworks of partnership

arrangements are fit for purpose to effectively deliver outcomes.

- KCR4 – Changing Demographics: Inability to meet statutory deadlines due to changes in demographics
- KCR5 – Safeguarding: A vulnerable child or adult with care and support needs is not protected from harm
- KCR6 – Health and Wellbeing: Failure to protect the health of the local population from preventable health threats.
- KCR7 – Capital Programme: Failure to deliver the Capital Programme, which includes high profile projects
- KCR8 - Local Plan: Failure to develop a Local Plan could result in York losing its power to make planning decisions and potential loss of funding
- KCR9 – Communities: Failure to ensure we have resilient, cohesive, communities who are empowered and able to shape and deliver services.
- KCR10 – Workforce Capacity: Reduction in workforce/ capacity may lead to a risk in service delivery.
- KCR11 – External market conditions: Failure to deliver commissioned services due to external market conditions.
- KCR12 – Major Incidents: Failure to respond appropriately to major incidents.
- KCR13 – Brexit: The implications for council services when the UK is set to leave the EU on 31 October 2019.

13. Risks are scored at gross and net levels. The gross score assumes controls are in place such as minimum staffing levels or minimum statutory requirements. The net score will take into account any additional measures which are in place such as training or reporting. The risk scoring matrix is included at Annex C for reference.

14. The following matrix categorises the KCRs according to their net risk evaluation. To highlight changes in each during the last quarter, the number of risks as at the previous monitor are shown in brackets.

<b>Impact</b>					
Critical			5 (5)		
Major			6 (6)		
Moderate		1 (1)		1 (0)	
Minor					
Insignificant					

<b>Likelihood</b>	Remote	Unlikely	Possible	Probable	Highly Probable
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15. By their very nature, the KCRs remain reasonably static with any movement generally being in further actions that are undertaken which strengthen the control of the risk further or any change in the risk score. In summary, key points to note are as follows;

- New Risks- One new KCR has been added since the last monitor
- Increased Risks – no KCRs have increased their net risk score since the last monitor
- Removed Risks – no KCRs have been removed since the last monitor
- Reduced Risks – No KCRs have reduced their net risk score since the last monitor

### **New KCR – Brexit**

16. A new risk has been added in relation to Brexit and the implications for council services when the UK is set to leave the EU on 31 October 2019. Lack of clarity on the final outcome of negotiations and whether the withdrawal agreement will be accepted by parliament makes it difficult to fully assess the implications of Brexit for York. Many risks are intangible given the variety of future scenarios that exist. The Council has therefore, to the extent information allows, undertaken limited assessments and planning for a no deal scenario looking at the implications internally, city wide and regional/national. This will inform the Council's response to any challenges or opportunities posed by Brexit and prioritise information and support for residents.

17. The net risk score is 15 (probable and moderate) as there are controls in place to mitigate the gross risk.

### **Updates to KCR actions or controls since the last monitor report**

18. KCR1 – A new risk detail has been identified. Central government are not expected to announce a 4 year spending review. It is likely to be limited to one year only for 2020/21. This has two major implications; it creates uncertainty which hinders long term financial planning and it may impact on staff retention



as it creates uncertainty for temporary posts funded by external funding.

19. KCR4 – Changing Demographics. The action further design and implementation of arrangements for early help and prevention has a revised date of 31/10/19.
20. KCR5 – Safeguarding. A new risk implication is included to note the risk of financial implications, such as compensation payments.
21. KCR7 – Capital Programme. Two new controls are included, which are detailed further in Annex B.
22. KCR9 – Communities. A new control has been added to note that the July 2019 budget provided additional resource to the safer community fund, community engagement officer and the use of Brexit funding.
23. KCR10 – Workforce/Capacity. As mentioned in relation to KCR1 the one year funding settlement could have an implication on staff retention as it creates uncertainty for temporary posts funded by external funding. The implications of Brexit may mean that if staff with EU citizenship leave this could result in potential recruitment issues. This is mitigated by engagement with staff that had concerns about the EU settlement Scheme for European Citizens, and offer of support through York Learning, Registrars and Citizens' Advice Bureau.

Additional controls in relation to this risk have been identified. An increase in regulatory compliance and an increase in the living wage.

24. KCR11 – External Market Conditions. A new control has been included in relation to the Brexit risk to note that no specific supply chain or procurement issues have been identified yet.
25. KCR12 – Major Incidents. A new action has been included to note the Environment Agency's improvements to flood protection, which remains ongoing.
26. Further details on the above changes are included at Annex A.

## **Options**

27. Not applicable.

## **Council Plan 2015 - 2019**

28. The effective consideration and management of risk within all of the council's business processes helps support achieving 'evidence based decision making' and aid the successful delivery of the three priorities.

## **Implications**

29. There are no further implications.

## **Risk Management**

30. In compliance with the council's Risk Management Strategy, there are no risks directly associated with the recommendations of this report. The activity resulting from this report will contribute to improving the council's internal control environment.

## **Recommendations**

31. Audit and Governance Committee are asked to:

- (a) consider and comment on the key corporate risks included at Annex A;
- (b) consider and comment on the information provided in relation to KCR7 Capital Programme included at Annex B;
- (c) consider and comment on the information provided in relation to the York Central Project included at Annex D
- (d) note the publication of the Older Person's Accommodation Gateway Review Briefing;
- (e) note that the 2019/20 Monitor 3 report will include a detailed analysis of KCR8 Local Plan;
- (f) provide feedback on any further information that they wish to see on future committee agendas.

Reason: To provide assurance that the authority is effectively understanding and managing its key risks.

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**Chief Officer Responsible for the report:**

Ian Floyd  
Deputy Chief Executive/ Director of  
Customer & Corporate Services

**Report**  
**Approved ✓**

**Date**  
5/9/19

**Specialist Implications Officer(s)**

Tracey Carter  
Assistant Director – Regeneration and Asset Management  
01904 553541

**Wards Affected** All

**Annexes**

A – Key Corporate Risk Register

B – Analysis of KCR7 Capital Programme

C - Risk Scoring Matrix

D – York Central

E – Older Persons' Accommodation Gateway Review Briefing

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## KEY CORPORATE RISK REGISTER AT M2 2019/20

**KCR 1 FINANCIAL PRESSURES: The ongoing government funding cuts will continue to have an impact on council services.** Over the course of the last 4 years there has been a substantial reduction in government grants leading to significant financial savings delivered. The council needs a structured and strategic approach to deliver the savings in order to ensure that any change to service provision is aligned to the council's key priorities. In addition other partner organisations are facing financial pressures that impact on the council.

Risk Detail (cause)	Implications (consequence)	Gross Likelihood	Gross Impact	Controls	Net Likelihood	Net Impact	Direction of Travel	Risk Owner and Actions
<p>Reduction in government grants leading to the necessity to make savings</p> <p>Increased service demand and costs (for example an aging population).</p> <p>Financial pressures on other partners that impact on the council</p> <p><b>NEW:</b> Central government are not expected to announce a 4 year spending review. It is likely to be limited to one year only for 2020/21.</p>	<p>Potential major implications on service delivery</p> <p>Impacts on vulnerable people</p> <p>Spending exceeds available budget</p> <p><b>NEW:</b> Lack of long term funding announcements from central government creates uncertainty which hinders long term financial planning</p> <p><b>NEW:</b> Lack of long term funding announcements from central government may impact on staff retention as it creates uncertainty for temporary posts funded by external funding</p>	Probable	Major (20)	<p>Regular budget monitoring</p> <p>Effective medium term planning and forecasting</p> <p>Chief finance officer statutory assessment of balanced budget</p> <p>Regular communications on budget strategy and options with senior management and politicians</p> <p>Skilled and resourced finance and procurement service, supported by managers with financial awareness</p> <p>Efficiency Plan agreed by Executive June 2016 secured funding until 2019/20</p> <p>Ongoing analysis of 'no deal' Brexit implications through reports to Executive</p> <p>Financial Strategy 2019/20 approved</p>	Possible	Moderate (14)	Update to risk detail	Development of budget strategy for 2020/21 (Ian Floyd, 31/01/2020)

KEY CORPORATE RISK REGISTER AT M2 2019/20

**KCR 2 GOVERNANCE: Failure to ensure key governance frameworks are fit for purpose.** With the current scale and pace of transformation taking place throughout the organisation it is now more important than ever that the council ensures that its key governance frameworks are strong particularly those around statutory compliance including information governance, transparency and health and safety.

Risk Detail (cause)	Implications (consequence)	Gross Likelihood	Gross Impact	Controls	Net Likelihood	Net Impact	Direction of Travel	Risk Owner and Actions
<p>Increased interactions in relation to FOIA and transparency</p> <p>Failure to comply with data protection and privacy legislation</p> <p>Serious breach of health and safety legislation</p> <p>Failure to comply with statutory obligations in respect of public safety</p>	<p>Increases in cases held or fines levied by Information Commissioner</p> <p>Failing to meet the legal timescales for responding to FOIA may result in reduced confidence in the council's ability to deal with FOIA and in turn, its openness and transparency</p> <p>Individuals will be at risk of committing criminal offences if they knowingly or recklessly breach the requirements of the GDPR legislation.</p> <p>Potential increased costs to the council if there are successful individual claims for compensation as a result of a breach of GDPR legislation.</p> <p>Impact on the end user/customer</p> <p>Public and staff safety may be put at risk</p> <p>Possible investigation by HSE</p>	Probable	Major (20)	<p>Electronic Communication Policy</p> <p>IT security systems in place</p> <p>Governance, Risk and Assurance Group (GRAG)</p> <p>Ongoing Internal Audit review of information security</p> <p>Health and Safety monitoring</p> <p>Regular monitoring reports to Audit &amp; Governance committee and Executive Member decision sessions</p> <p>Open Data platform providing Freedom of Information (FOI) requested data</p> <p>Regular review of transparency code legislation and compliance</p> <p>Ongoing management of data architecture to provide de-personalised data to open data platform</p> <p>Public Protection Annual Control Strategy</p>	Possible	Major (19)	No change	<p>Ongoing Action - Health and Safety training programmes at all levels (Ian Floyd, 31/03/2020)</p> <p>Ongoing Action: regular review of internal audit reviews and recommendations (Ian Floyd 31/03/20)</p>

KEY CORPORATE RISK REGISTER AT M2 2019/20

Risk Detail (cause)	Implications (consequence)	Gross Likelihood	Gross Impact	Controls	Net Likelihood	Net Impact	Direction of Travel	Risk Owner and Actions
	Prohibition notices might be served preventing delivery of some services  Prosecution with potential for imprisonment if Corporate Manslaughter  Further incidents occur  Adverse media/ social media coverage  Reputational impact			Additional resource, training and improved processes to deal with FOIA requests  Additional resource, training and improved processes to deal with the implementation of GDPR				

## KEY CORPORATE RISK REGISTER AT M2 2019/20

**KCR 3 EFFECTIVE AND STRONG PARTNERSHIPS: Failure to ensure partnership arrangements are fit for purpose to effectively deliver outcomes.** In order to continue to deliver good outcomes and services, the council will have to enter into partnerships with a multitude of different organisations whether they are public, third sector or commercial entities. The arrangements for partnership working need to be clear and understood by partners to ensure they deliver the best possible outcomes.

Risk Detail (cause)	Implications (consequence)	Gross Likelihood	Gross Impact	Controls	Net Likelihood	Net Impact	Direction of Travel	Risk Owner and Actions
<p>Failure to effectively monitor and manage partnerships</p> <p>Partner (especially NHS, Academies) financial pressures may affect outcomes for residents</p> <p>Unilateral decisions made by key partners may effect other partners' budgets or services</p> <p>Financial pressure on York Teaching Hospitals NHS Foundation Trust (YTHFT) and Vale of York Clinical Commissioning Group (VOYCCG)</p>	<p>Key partnerships fail to deliver or break down</p> <p>Misalignment of organisations' ambitions and direction of travel</p> <p>Ability to deliver transformation priorities undermined</p> <p>Adverse impact on service delivery</p> <p>Funding implications</p> <p>Reputational impact</p>	Probable	Major (20)	<p>Account management approach to monitoring key partnerships</p> <p>Internal co-ordination such as Creating Resilient Communities Working Group (CRCWG)</p>	Possible	Moderate (14)	No change	Ongoing action - Monitoring of controls (CMT, 31/03/2020)



## KEY CORPORATE RISK REGISTER AT M2 2019/20

**KCR 4 CHANGING DEMOGRAPHICS: Inability to meet statutory duties due to changes in demographics.** York has a rapidly changing demographic in relation to both residents and business. This brings with it significant challenges particularly in the delivery of adult social care and children's services. There has also been significant inward migration and as such the council needs to ensure that community impacts are planned for and resourced.

Risk Detail (cause)	Implications (consequence)	Gross Likelihood	Gross Impact	Controls	Net Likelihood	Net Impact	Direction of Travel	Risk Owner and Actions
<p>Development and regeneration makes York more desirable and accessible to residents, students and business, resulting in increasing inward migration to York.</p> <p>An increase in the aging population requiring services from the council</p> <p>Increase in complexity of needs as people get older</p> <p>Increase in people living with dementia</p> <p>Increase in ethnic diversity of the population means that the council has to understand the needs of different communities in relation to how services are delivered</p> <p>Growing number of people with SEND or complex needs living into adulthood</p>	<p>Increased service demand from residents, including; statutory school placements, SEND, mental health, adult social care and environmental services (eg waste collection)</p> <p>Increased service demand in relation to business (eg Regulation, Planning)</p> <p>Impact of additional demands cause significant financial and delivery challenges, such as a rise in delayed discharges</p> <p>Reputational impact as these mainly impact high risk adult and children's social care service areas</p> <p>Unable to recruit workers in key service areas eg care workers</p>	Probable	Major (20)	<p>Place planning strategy to ensure adequate supply of school places</p> <p>DfE returns and school population reported every 6 months</p> <p>Local area working structures in frontline services, including Early intervention initiatives and better self-care</p> <p>Assessment and Care management review complete, to better manage adult social care demand on CYC based on community led support</p> <p>Advice and Information Strategy complete, to provide residents with direct access to support and services, to better manage adult social care demand on CYC, resulting in the launch of Livewell York in March 19</p> <p>Investment in support brokerage work with NHS integrated commissioning</p> <p>Stakeholder and officer group, to create a more connected and integrated health and social care system.</p> <p>Officer caseload monitoring</p>	Possible	Major (19)	Update to action deadline and new control	<p>Ongoing Action - Ensure adequate supply of schools places (CYC Place Planning Strategy, Governance Structure) (Amanda Hatton, 31/03/2020)</p> <p><b>REVISED DATE:</b> Further redesign and implementation of new arrangements for early help and prevention (Sophie Wales, 31/10/2019)</p> <p>Continue to analyse the Local Plan and Major development projects demographic data to determine the impact on all CYC services. Note: The Local Plan is currently in the public enquiry process which will consider the impact (CMT, 30/09/19)</p>

KEY CORPORATE RISK REGISTER AT M2 2019/20

Risk Detail (cause)	Implications (consequence)	Gross Likelihood	Gross Impact	Controls	Net Likelihood	Net Impact	Direction of Travel	Risk Owner and Actions
<p>Demographic of workforce supply unable to meet workforce demand</p> <p>Failure to plan for the impact of a rapid change in demographics to front line service provision</p>				<p>Internal co-ordination such as Creating Resilient Communities Working Group (CRCWG)</p> <p>York Skills Plan to 2020</p> <p><b>NEW:</b> The Education Planning Team have completed a review of demographic data to determine the impact on schools</p>				

## KEY CORPORATE RISK REGISTER AT M2 2019/20

**KCR 5 SAFEGUARDING: A vulnerable child or adult with care and support needs is not protected from harm.** Ensuring that vulnerable adults and children in the city are safe and protected is a key priority for the council. The individual, organisational and reputational implications of ineffective safeguarding practice are acute.

Risk Detail (cause)	Implications (consequence)	Gross Likelihood	Gross Impact	Controls	Net Likelihood	Net Impact	Direction of Travel	Risk Owner and Actions
Failure to protect a child or vulnerable adult from death or serious harm (where service failure is a factor)	<p>Vulnerable person not protected</p> <p>Children's serious case review or lessons learned exercise</p> <p>Safeguarding adults review</p> <p>Reputational damage</p> <p>Serious security risk</p> <p><b>NEW:</b> Financial implications, such as compensation payments</p>	Probable	Major (20)	<p>Safeguarding sub groups</p> <p>Multi agency policies and procedures</p> <p>Specialist safeguarding cross sector training</p> <p>Quantitative and qualitative performance management</p> <p>Reporting and governance to lead Member, Chief Executive and Scrutiny</p> <p>Annual self assessment, peer challenge and regulation</p> <p>Audit by Veritau of Safeguarding Adults processes</p> <p>Children's and Adults Safeguarding Boards (LSCB &amp; ASB)</p> <p>Ongoing inspection preparation &amp; peer challenge</p> <p>National Prevent process</p> <p>DBS checks and re-checks</p> <p>Effectively resourced and well managed service</p> <p>Safeguarding Board annual plan 2018/19 is approved</p>	Possible	Major (19)	New implication and control	Ongoing action Safeguarding Board annual action plan 2019/20 (Sharon Houlden, 31/03/2020)

KEY CORPORATE RISK REGISTER AT M2 2019/20

Risk Detail (cause)	Implications (consequence)	Gross Likelihood	Gross Impact	Controls	Net Likelihood	Net Impact	Direction of Travel	Risk Owner and Actions
				<p>Controls implemented from peer review action plan</p> <p>Chief Officer Group which brings together Chief Officers from relevant organisations in relation to safeguarding eg police, CYC</p> <p>Community Safety Plan 2017 to 2020 agreed by Executive 28 Sep 2017</p> <p>Completed restructure of Children's social care services</p> <p>Children's Social Care records system is upgraded. This is monitored by a project board. On going development is planned and awaiting costings</p> <p><b>NEW:</b> July 2019 supplementary budget provided additional funding</p>				

KEY CORPORATE RISK REGISTER AT M2 2019/20

**KCR 6 HEALTH AND WELLBEING:** Failure to protect the health of the local population from preventable health threats.

Risk Detail (cause)	Implications (consequence)	Gross Likelihood	Gross Impact	Controls	Net Likelihood	Net Impact	Direction of Travel	Risk Owner and Actions
Failure to protect the health of citizens against preventable disease by ensuring appropriate levels of vaccination, immunisation and screening.	<p>Likelihood of mass disease outbreaks</p> <p>Late diagnosis &amp; delay in treatment of health conditions that could be identified earlier through routine screening e.g. breast &amp; cervical cancer, diabetic sight loss</p> <p>Reduction in life expectancy</p>	Probable	Major (20)	<p>Liaison with NHS and Public Health England and development of plans to be able to make a large scale response e.g. Mass Treatment Plan.</p> <p>Health Protection Board recently established with good engagement across partners in local and regional meetings.</p> <p>Annual Health Protection Report to the Health and Wellbeing Board and Health &amp; Adult Social Care Policy and Scrutiny Committee</p> <p>CYC Director of Public Health is co-chair with NHS England of the North Yorkshire &amp; York Local Health Resilience Partnership.</p> <p>Internal audit of health protection governance has been completed giving reasonable assurance.</p>	Possible	Moderate (14)	No change	An external peer review has been undertaken of health protection arrangements. The final report has been received and the service is currently developing an action plan to be overseen by the Health & Wellbeing Board (Sharon Stoltz, 31/03/20)

## KEY CORPORATE RISK REGISTER AT M2 2019/20

**KCR 7 CAPITAL PROGRAMME: Failure to deliver the Capital Programme, which includes high profile projects.** The capital programme currently has a budget of £615m from 2019/20 to 2023/24. The schemes range in size and complexity but are currently looking to deliver two very high profile projects, the Community Stadium and York Central, which are key developments for the city.

Risk Detail (cause)	Implications (consequence)	Gross Likelihood	Gross Impact	Controls	Net Likelihood	Net Impact	Direction of Travel	Risk Owner and Actions
<p>Complex projects with inherent risks</p> <p>Large capital programme being managed with reduced resources across the Council</p> <p>Increase in scale of the capital programme, due to major projects and lifting of borrowing cap for Housing</p>	<p>Additional costs and delays to delivery of projects</p> <p>The benefits to the community are not realised</p> <p>Reputational Damage</p>	Probable	Major (20)	<p>Project boards and project plans</p> <p>Regular monitoring of schemes</p> <p>Capital programme reporting to Executive and CMT</p> <p>Financial, legal and procurement support included within the capital budget for specialist support skills</p> <p>Project Management Framework</p> <p>Additional resource to support project management</p> <p>Capital Strategy 2019/20 to 2023/24 approved in Feb 2019</p> <p><b>NEW:</b> A&amp;G agreed there was sufficient assurance in relation to governance of major projects</p> <p><b>NEW:</b> Recent Internal Audit Report gave reasonable assurance on project management arrangements</p>	Possible	Moderate (14)	New Controls	Development of capital strategy for 2020-21 (Ian Floyd, 31/01/2020)

## KEY CORPORATE RISK REGISTER AT M2 2019/20

**KCR 8 LOCAL PLAN: Failure to develop a Local Plan could result in York losing its power to make planning decisions and potential loss of funding.** The council has a statutory duty to develop a Local Plan, a city wide plan, which helps shape the future development in York over the next 20 years. It sets out the opportunities and policies on what will or will not be permitted and where, including new homes and businesses. The Local Plan is a critical part of helping to grow York's economy, create more job opportunities and address our increasing population needs.

Risk Detail (cause)	Implications (consequence)	Gross Likelihood	Gross Impact	Controls	Net Likelihood	Net Impact	Direction of Travel	Risk Owner and Actions
<p>Fail to adopt and agree a Local Plan</p> <p>Local Plan adoption process delayed</p> <p>Significant opposition to the plan that may impede its progression</p> <p>The Council has submitted the Local Plan for Inspection and therefore taken a significant step in reducing the risks associated with the Local Plan. However the plan has a public enquiry process to proceed through and the impacts of a failure in the public enquiry phase remain as previous therefore the overall risk score remains unchanged.</p>	<p>Significant negative impact on the council's strategic economic goals</p> <p>Council continues to have no adopted development plan/framework</p> <p>Legal and probity issues</p> <p>Reputational damage</p> <p>Increased resources required to deal with likely significant increase in planning appeals</p> <p>Development processes and decision making is slowed down</p> <p>Widespread public concern and opposition</p> <p>Inability to maximise planning gain from investment</p> <p>Adverse impact on investment in the city</p> <p>Unplanned planning does not meet the authority's aspirations of the city</p>	Probable	Major (20)	<p>Continued close liaison with neighbouring authorities.</p> <p>Continued close liaison with MHCLG, Planning Advisory Services and Planning Inspectorate and the appointed planning inspectors</p>	Possible	Major (19)	No change	Ongoing action - Monitoring of controls (Mike Slater, 31/03/2020)

KEY CORPORATE RISK REGISTER AT M2 2019/20

Risk Detail (cause)	Implications (consequence)	Gross Likelihood	Gross Impact	Controls	Net Likelihood	Net Impact	Direction of Travel	Risk Owner and Actions
	Ongoing costs of the preparation of the Local Plan  Potential loss of funding if Plan is not approved							



## KEY CORPORATE RISK REGISTER AT M2 2019/20

**KCR 9 COMMUNITIES: Failure to ensure we have resilient, cohesive, communities who are empowered and able to shape and deliver services.** The council needs to engage in meaningful consultation with communities to ensure decisions taken reflect the needs of residents, whilst encouraging them to be empowered to deliver services that the council is no longer able to do. Failing to do this effectively would mean that services are not delivered to the benefit of those communities or in partnership.

Risk Detail (cause)	Implications (consequence)	Gross Likelihood	Gross Impact	Controls	Net Likelihood	Net Impact	Direction of Travel	Risk Owner and Actions
<p>Failure to effectively engage with the communities we serve</p> <p>Failure to contribute to the delivery of safe communities</p> <p>Failure to effectively engage stakeholders (including Members and CYC staff) in the decision making process</p> <p>Failure to manage expectations</p> <p>Communities are not willing/able to fill gaps following withdrawal of CYC services</p> <p>Lack of cohesion in the planning and use of CYC and partner community based assets in the city</p>	<p>Lack of buy in and understanding from stakeholders</p> <p>Alienation and disengagement of the community</p> <p>Relationships with strategic partners damaged</p> <p>Impact on community wellbeing</p> <p>Services brought back under council provision – reputational and financial implications</p> <p>Budget overspend</p> <p>Create inefficiencies</p> <p>Services not provided</p> <p>Poor quality provision not focused on need, potential duplication, ineffective use of resources, difficulty in commissioning community services e.g. Library services</p>	Probable	Major (20)	<p>Creating Resilient Communities Working Group (CRCWG)</p> <p>New service delivery models, including Local Area Teams. Local Authority Co-ordination Neighborhood Working</p> <p>Revised Community Safety Plan</p> <p>Devolved budgets to Ward Committees and delivery of local action plans through ward teams</p> <p>Local area working restructures for Children’s, Adults and Housing Services</p> <p>Improved information and advice, Customer Strategy and ICT support to facilitate self service</p> <p>CYC Staff and Member training and development</p> <p><b>NEW:</b> The July 2019 supplementary budget provided additional resources to the safer community fund, community engagement officer and use of Brexit funding</p>	Possible	Major (19)	New control	<p>Develop a Community Engagement Strategy (Amanda Hatton, 31/12/2019)</p> <p>New framework of consultation across the City to support the Community Engagement Strategy (Claire Foale 30/9/19)</p>

KEY CORPORATE RISK REGISTER AT M2 2019/20

**KCR 10 WORKFORCE/ CAPACITY: Reduction in workforce/ capacity may lead to a risk in service delivery.** It is crucial that the council remains able to retain essential skills and also to be able to recruit to posts where necessary, during the current periods of uncertainty caused by the current financial climate and transformational change. The health, wellbeing and motivation of the workforce is therefore key in addition to skills and capacity to deliver.

Risk Detail (cause)	Implications (consequence)	Gross Likelihood	Gross Impact	Controls	Net Likelihood	Net Impact	Direction of Travel	Risk Owner and Actions
<p>The necessity to deliver savings has resulted in a reduced workforce requiring new and specialist skills</p> <p>Recruitment and retention difficulties as the council may be seen as a less attractive option than the private sector</p> <p>Lack of succession planning</p> <p>HR Policies may not be consistent with new ways of working (eg remuneration policy)</p> <p><b>NEW:</b> Uncertainty around long term funding from central government.</p> <p><b>NEW:</b> Staff with EU citizenship may leave</p>	<p>Increased workloads for staff</p> <p>Impact on morale and as a result, staff turnover</p> <p>Inability to maintain service standards</p> <p>Impact on vulnerable customer groups</p> <p>Reputational damage</p> <p>Single points of failure throughout the business</p> <p><b>NEW:</b> Lack of long term funding announcements from central government may impact on staff retention as it creates uncertainty for temporary posts funded by external funding</p> <p><b>NEW:</b> Potential recruitment issues if staff with EU citizenship leave and are difficult to replace</p>	Probable	Major (20)	<p>Workforce Strategy/ People Plan</p> <p>Stress Risk Assessments</p> <p>PDRs</p> <p>Comprehensive Occupational Health provision including counseling</p> <p>HR policies e.g. whistleblowing, dignity at work</p> <p>Development of coaching/ mentoring culture to improve engagement with staff</p> <p>Corporate Cost Control Group monitoring of absence and performance reporting</p> <p>Apprenticeship task group</p> <p>Agency and Interim Staffing Policies</p> <p>Absence Management Policies</p> <p>Substance Misuse Policy</p>	Possible	Moderate (14)	New risk details and controls	<p>The outputs of the Workplace Health &amp; Wellbeing group and the Wellbeing survey will be used to develop a Workplace Health &amp; Wellbeing Strategy for the organisation. (DATE, Sharon Stoltz)</p> <p>Ongoing action: Review of HR policies to ensure they compliment the new ways of working in the future (Ian Floyd 31/03/20)</p>

KEY CORPORATE RISK REGISTER AT M2 2019/20

Risk Detail (cause)	Implications (consequence)	Gross Likelihood	Gross Impact	Controls	Net Likelihood	Net Impact	Direction of Travel	Risk Owner and Actions
				<p>The council has signed up to a pledge to become a Time to Change Employer with a focus on mental health.</p> <p>A Workplace Health &amp; Wellbeing Group has been established with staff &amp; trade union representation which is chaired by the Director of Public Health.</p> <p>A staff health &amp; wellbeing survey has been undertaken &amp; this is being followed up by staff focus groups.</p> <p><b>NEW:</b> Increase in regulatory compliance to protect the workforce eg Health and Safety regulations, working time directives</p> <p><b>NEW:</b> Increase in Living wage</p> <p><b>NEW:</b> Engagement with staff that had concerns about the EU settlement Scheme for European Citizens and offer of support through York Learning, Registrars and Citizens' Advice Bureau</p>				

## KEY CORPORATE RISK REGISTER AT M2 2019/20

**KCR 11 EXTERNAL MARKET CONDITIONS: Failure to deliver commissioned services due to external market conditions.**

The financial pressures experienced by contracted services (in particular Adult Social Care providers) as a result of increases to the living wage could put the continued operation of some providers at risk. The Council has a duty to ensure that there is a stable/diverse market for social care services delivery to meet the assessed needs of vulnerable adults/children.

Some services provided by the Council cannot be provided internally (eg Park and Ride) and must be commissioned. External market conditions such as the number of providers willing to tender for services may affect the Council's ability to deliver the service within budget constraints.

Risk Detail (cause)	Implications (consequence)	Gross Likelihood	Gross Impact	Controls	Net Likelihood	Net Impact	Direction of Travel	Risk Owner and Actions
<p>Increases to the national living wage.</p> <p>Recruitment and retention of staff</p> <p>If failure occurs, the Council may remain responsible for ensuring the needs of those receiving the service continue uninterrupted.</p>	<p>Vulnerable people do not get the services required or experience disruption in service provision</p> <p>Safeguarding risks</p> <p>Financial implications: Increased cost of alternative provider Increased cost if number of providers are limited</p> <p>Reputational damage</p>	Unlikely	Major (18)	<p>Clear contract and procurement measures in place</p> <p>Ongoing review of operating and business models of all key providers and putting further mitigation in place, such as more robust contract monitoring and commissioning some 'enhanced' credit checks</p> <p>CYC investment in extra care OPHs has reduced recruitment pressure</p> <p>Revised SLA with independent care group and quarterly monitoring meetings with portfolio holder</p> <p>Increase in homecare fees to reflect actual cost of care</p> <p>Local policies in place for provider failure</p> <p>Ongoing analysis of 'no deal' Brexit implications through reports to Executive</p> <p><b>NEW:</b> No specific supply chain or procurement issues have been identified, although there is a general</p>	Unlikely	Moderate (13)	No change	Ongoing action: Ongoing attendance at Independent Care Group Provider Conference (Sharon Houlden 31/03/20)

KEY CORPORATE RISK REGISTER AT M2 2019/20

Risk Detail (cause)	Implications (consequence)	Gross Likelihood	Gross Impact	Controls	Net Likelihood	Net Impact	Direction of Travel	Risk Owner and Actions
		High	High	concern regarding unknown impacts from a number of suppliers and service providers as this is difficult to quantify given the uncertainty and increasing likelihood of a no deal Brexit.	High	High		

KEY CORPORATE RISK REGISTER AT M2 2019/20

**KCR 12 MAJOR INCIDENTS: Failure to respond appropriately to major incidents.** Local Authorities are required by law to make preparations to deal with emergencies. Local Authorities have four main responsibilities in an emergency 1. to support the Emergency Services, 2. to co-ordinate non-emergency organisations, 3. to maintain their own services through a robust Business Continuity Management process and 4. to facilitate the recovery of the community. The Council must ensure that its resources are used to best effect in providing relief and mitigating the effects of a major peacetime emergency on the population, infrastructure and environment coming under it's administration. This will be done either alone or in conjunction with the Emergency Services and other involved agencies, including neighbouring authorities.

Risk Detail (cause)	Implications (consequence)	Gross Likelihood	Gross Impact	Controls	Net Likelihood	Net Impact	Direction of Travel	Risk Owner and Actions
An uncoordinated or poor response to a major incident such as: <ul style="list-style-type: none"> <li>• Flood</li> <li>• Major Fire</li> <li>• Terrorist Attack</li> </ul>	Serious death or injury Damage to property Reputational damage Potential for litigation Potential for corporate manslaughter charges if risks are identified and proposed actions not implemented	Probable	Catastrophic (24)	Emergency planning and Business Continuity Plans in place and regularly reviewed Strong partnerships with Police, Fire, Environment Agency and other agencies Support to Regional Resilience forums Support and work in partnership with North Yorkshire local resilience forums Investment in Community Resilience (re Flooding) Work with partners across the city to minimise the risk of a terrorist attack Implemented physical measures for certain events Review of city transport access measures (Exec Feb 18, Sep 18)	Possible	Major (19)	New action	Ongoing action: Regular review of emergency and business continuity plans (Neil Ferris, 31/3/20)  <b>NEW:</b> Improvements to enhance flood protection (The Environment Agency)

## KEY CORPORATE RISK REGISTER AT M2 2019/20

**KCR 13 BREXIT: The implications for council services when the UK is set to leave the EU on 31 October 2019.** Lack of clarity on the final outcome of negotiations and whether the withdrawal agreement will be accepted by parliament makes it difficult to fully access the implications of Brexit for York. Many risks are intangible given the variety of future scenarios that exist. The Council has therefore to the extent information allows undertaken limited assessments and planning for a no deal scenario looking at the implications internally, city wide and regional/national. This will inform the Council's response to any challenges or opportunities posed by Brexit and prioritise information and support for residents.

Risk Detail (cause)	Implications (consequence)	Gross Likelihood	Gross Impact	Controls	Net Likelihood	Net Impact	Direction of Travel	Risk Owner and Actions
<p>Lack of certainty and guidance from government departments</p> <p>Staff with EU citizenship may leave</p>	<p>Lack of guidance and certainty makes it difficult to plan effectively as there are so many scenarios to account for.</p> <p>Potential recruitment issues if staff with EU citizenship leave and are difficult to replace</p> <p><u>Potential</u> implications on service delivery include;</p> <ul style="list-style-type: none"> <li>• Supply chain/ procurement issues</li> <li>• Community Cohesion</li> <li>• Medical provision for SEND residents</li> <li>• Increase in unaccompanied children seeking asylum</li> </ul> <p>Potential financial pressures if Brexit results in an increase in costs</p>	Probable	Major (20)	<p>Reports to Executive to provide an overview and assessment of the Council's Brexit preparations</p> <p>Weekly consideration of emerging issues by CMT and fortnightly standing item for Member briefings as necessary.</p> <p>Nomination of a named officer for coordination of information on behalf of CMT</p> <p>Review of technical notices provided by Central Government</p> <p>Regular meetings and intelligence gathering with Heads of Service</p> <p>Sharing information on a regional level with the North Yorkshire Local Resilience Forum</p> <p>Engagement with staff that had concerns about the EU settlement Scheme for European Citizens and offer of help through York Learning, Registrars and Citizens' Advice Bureau</p>	Probable	Moderate (15)	<b>NEW RISK</b>	Ongoing: Regular assessment of the position, based on central government guidance (CMT)

KEY CORPORATE RISK REGISTER AT M2 2019/20

Risk Detail (cause)	Implications (consequence)	Gross Likelihood	Gross Impact	Controls	Net Likelihood	Net Impact	Direction of Travel	Risk Owner and Actions
				<p>City wide engagement in the form of Brexit City Partner Meetings and email communications</p> <p>Dissemination of information to businesses through the Make it York and Local Enterprise Partnership websites</p> <p>Communication to residents through posters, postcards and social media channels</p> <p>Attendance by Council Officers to government run workshops</p> <p>Central government Brexit funding of £210k over 2 years to aid with Brexit related work, plus additional funding expected shortly</p> <p>No specific supply chain or procurement issues have been identified, although there is a general concern regarding unknown impacts from a number of suppliers and service providers as this is difficult to quantify given the uncertainty and increasing likelihood of a no deal Brexit.</p> <p>A watching brief is being maintained on this and the potential impact on major projects as a number of recently let contracts have required the Council to confirm Contractors are not bearing Brexit risks.</p>				



KEY CORPORATE RISK REGISTER AT M2 2019/20

Risk Detail (cause)	Implications (consequence)	Gross Likelihood	Gross Impact	Controls	Net Likelihood	Net Impact	Direction of Travel	Risk Owner and Actions
		Orange	Orange		Yellow	Yellow		

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## Analysis of Key Corporate Risk 7 – Capital Programme

1. This Annex provides a more detailed analysis of KCR7, Capital Programme.
2. The description of this risk is as follows; **Failure to deliver the Capital Programme, which includes high profile projects.** The capital programme currently has a budget of £615m from 2019/20 to 2023/24 at Monitor 1. The schemes range in size and complexity but are currently looking to deliver two very high profile projects, the Community Stadium and York Central, which are key developments for the city.

### Risk Detail

#### Complex projects with inherent risks

3. The 2019/20 to 2023/24 capital programme has a number of major schemes, including;
  - New investment in Housing of £106.022m over the next 5 years, £96.450m of which relates to the Local Authority Homes New Build Project
  - Increased investment of £35.055m in Transport schemes over the next 5 years including areas such as the Clean Air Zone, York Outer Ring Road Dualling (£28m) and the Local transport plan road safety scheme.
4. Other major individual schemes set to deliver significant outcomes for the city include York Central (£155,000m), Community Stadium (£10.143m) Guildhall (£17.8m) and York Castle Gateway (£2m).

#### Large capital programme being managed with reduced resources across the Council

5. Due to reductions in government funding the Council has made significant savings of £105m over the last 10 years, which has inevitably reduced staff resources.
6. The latest capital budget for 2019/20 to 2023/24 agreed by Council in February 2019 included £185.898m of new investment over the 5 year period.

## Analysis of Key Corporate Risk 7 – Capital Programme

Increase in scale of the capital programme, due to major projects and lifting of the borrowing cap for Housing

7. In recent years the capital programme has increased significantly. The table below shows the total 5 year capital programme approved by Council for each of the last financial years.

	2019/20 to 2023/24	2018/19 to 2022/23	2017/18 to 2021/22	2016/17 to 2020/21	2015/16 to 2019/20
Total capital programme (£000)	579,762	314,611	215,036	180,206	187,019

### Implications

8. The implications for the Council include;
- Additional costs and delays to delivery of projects
  - The benefits to the community are not realised
  - Reputational Damage

### Controls

9. The controls in place include;

Project boards and project plans for major schemes

10. Consistent with the guidance in the All About Projects (AAP) framework, each of the Major projects reports to a Project board. All these boards operate within the mechanisms set out in the constitution of the Council. The boards for each of the Council's Major projects are included in the Corporate highlight report; <https://data.yorkopendata.org/dataset/major-projects-highlight-reports>
11. Each major scheme has a project plan in line with the AAP guide which is covered in further detail below.

## **Analysis of Key Corporate Risk 7 – Capital Programme**

### Regular monitoring of schemes

12. Each of the council's major project managers has a Verto account and each month the project managers submit a highlight report through Verto. All of the council's large projects have a risk register recorded on Verto.
13. These reports are presented to the Council Management Team (CMT) which convenes on a monthly basis as the Programme Board. In this way, CMT has sufficient oversight of key risk areas relating to project management. These reports are published on the Open Data Platform, available on the link above.
14. Project management of larger capital schemes is also considered by the council's Directorate Management Teams (DMTs). In addition to its DMT, the Economy and Place (E&P) directorate has a Major Project Interface Group which meet regularly. This provides additional coordination between projects, ensuring that dependencies are managed.
15. The Project Assurance Group (PAG), which fulfils a second-line function within the council's project management framework in providing oversight of the corporate programme, meet on a monthly basis. A representative from each directorate attends this meeting along with the Project Assurance Officer.

### Capital programme reporting to Executive and CMT

16. The capital programme is reported to CMT and Executive quarterly. The report sets out the projected outturn position including any variances from budget and adjustments in the budget. Requests to reprofile budgets to or from current and future years are also included, as these must be approved by Executive.
17. Major Capital schemes such as York Central, Community Stadium, Guildhall and York Castle Gateway have provided various reports to Executive. Further details of the Executive reports are listed in the highlight reports, which are reported on the open data platform as detailed in paragraph 13.

## **Analysis of Key Corporate Risk 7 – Capital Programme**

### Financial, legal and procurement support included within the capital budget for specialist support skills

18. In the capital budget setting process, managers are required to submit proposals for new schemes, taking account of budget, resources and benefits to be realised.
19. Where appropriate finance, legal, procurement or other specialist skills are included in the larger capital schemes from the outset to ensure that schemes are correctly resourced and budgets are accurate.

### Project Management Framework

20. The Council's Project Management Framework includes the All About Projects (AAP) guide, its project management system (Verto) for storing project information and the Introduction to Project Management training delivered by the Workforce Development Unit. In 2016, the council's management team agreed to act as the corporate programme board, meeting every two months. This work is supported by programme leads from each directorate.
21. The AAP guide is readily available to all staff via the council's intranet site. In addition to the AAP guide, a user guide tailored to the council's Verto setup and to its project management framework has been produced and covers the key functions that need to be performed by project managers to progress through the gateways in the system.

### Additional resource to support project management

22. In the 2017/18 budget additional growth was included for a Project Assurance Officer post, to strengthen the project assurance function. This function aims to decrease risk in terms of project visibility and interdependencies and to provide support to project managers.
23. The Project Assurance Officer coordinates the Project Assurance Group (PAG) which meets monthly. This group provides training and other support to project managers.
24. All project managers within the recent intake of new Verto projects have been given user orientation training by the Project Assurance Officer.

**Analysis of Key Corporate Risk 7 – Capital Programme**

25. There were two PRINCE2 training courses delivered during 2018 available to major project managers to enable them to successfully run large, complex and high-profile projects.

Capital Strategy 2019/20 to 2023/24 approved in Feb 2019

26. The latest Capital Strategy report was approved by Council in February 2019. This sets out the 5 year programme, including new investment based on council priorities and how the schemes will be funded.

NEW: A&G agreed there was sufficient assurance in relation to governance of major projects

27. Detailed reporting of major projects, in a format similar to the highlight reports mentioned above, used to be reported to A&G on a quarterly basis. In September 2017 A&G agreed that they were satisfied with the governance arrangements in place and reporting of major projects to A&G was no longer required.

NEW: Internal Audit Report gave reasonable assurance on project management arrangements

28. The purpose of the audit was to provide assurance that procedures and controls were in place to ensure that:

- Effective project management guidance is in place and has been adopted by those involved with projects.
- Project information is available and retained to support decisions.
- Projects have adequate governance and risk management processes embedded into them.

29. The audit concluded that the council's approach to project management has seen significant improvements since the arrangements were last fully audited in 2015/16 but there are still some improvements that could be made. The overall opinion of the controls within the system at the time of the audit in June 2019 was that they provided reasonable assurance.

## **Analysis of Key Corporate Risk 7 – Capital Programme**

### **Outstanding Actions**

30. The development of the Capital Strategy for 2020/21 to 2024/25 is set to be completed by 31/1/2020, for approval by Council in February 2020.
31. NEW: Implement improvement actions from recent audit report

### **Risk Rating**

32. The gross risk score is 20 (likelihood probable, impact major). After applying the controls detailed above the net risk score is reduced to 14 (likelihood possible, impact moderate).



		<b>Impact</b>					<b>Likelihood</b>																
		<b>Catastrophic</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>	<b>Insignificant</b>						<b>Remote</b>	<b>Unlikely</b>	<b>Possible</b>	<b>Probable</b>	<b>Highly Probable</b>							
<b>17</b>	<b>12</b>	<b>6</b>	<b>2</b>	<b>1</b>	<b>25</b>	<b>24</b>	<b>23</b>	<b>22</b>	<b>21</b>	<b>20</b>	<b>19</b>	<b>18</b>	<b>17</b>	<b>16</b>	<b>15</b>	<b>14</b>	<b>13</b>	<b>12</b>	<b>11</b>	<b>10</b>	<b>9</b>	<b>8</b>	<b>7</b>

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## Managing Risk in the York Central Project

1. The York Central project is possibly the most complex project ever undertaken by CYC. It is large scale, multi-faceted, strategically essential and requires the effective collaboration of 4 public sector land owners and is funded from multiple inter-related funding sources.
2. Delivery requires effective project management of the individual strands of work to ensure the delivery of the required outputs but also requires a comprehensive approach to programme management to deliver the expected outcomes.
3. The programme governance has evolved as York Central Partnership has matured. Executive have agreed all governance arrangements with the most recent arrangements agreed by Executive in November 2018 set out in Annex D1. This is predicated on the strategic oversight being undertaken by a senior level York Central Strategic Board, with programme co-ordination between all partner activities delivered through The York Central Coordination Board. This board monitors the master programme, budget and benefits realisation, making sure that all contributing projects are aligned and that the critical path can be delivered. There are 4 projects feeding in to the Co-ordination Board and CYC leads the Infrastructure Delivery Board with representatives of YCP and NR and both LEPS in attendance. The detailed Terms of Reference for this board are set out at Annex D2. The Station Frontage project is a separate corporate project undertaken in partnership with NR but is indicated in the YC governance arrangements due to the clear links between work to both sides of the railway station. The two remaining project boards are operated by YCP partners with the NRM leading on the delivery of their masterplan and the majority landowners Network Rail and Homes England leading the Developer Board.
4. Risk is managed at a programme level via the York Central Co-ordination Board and at a project level via each project. The programme risk log is reviewed at each monthly board meeting and is attached at Annex D3. York Central Infrastructure Delivery Board uses the council's Project Management system Verto which contain the project risk register. This is regularly maintained by the York Central Project Manager and the most up to date Highlight report is attached at Annex D4.

5. The Project assurance function is essential to the success of York Central due to the complexity and inter-related projects with many dependencies. This function has been commissioned externally to ensure that there is the highest quality programming and assurance services applied to the overall programme and that this is integrated into the Infrastructure Delivery Programme. This service has been commissioned from Avison Young.
6. The corporate project management framework is also applied across the CYC elements of the project with gateway reviews forming an essential part of the challenge applied to ensure that York Central is a well-managed project. The project Gateway review undertaken in April 2019 is attached at Annex D5.
7. Progress with the project has been reported to Executive at every stage and Executive and Full Council have made numerous decisions to progress the project. A summary of the decisions made in the 18 separate reports considered by the Executive since 2006, is attached at Annex D6, listing out all Executive decisions.

### **Annexes**

Annex D1 – Governance arrangements (excerpt from Nov 18 Executive report)

Annex D2 - Terms of reference for the Strategic Board and the Coordination Board and the Infrastructure Delivery Board

Annex D3 – York Central Risk Log

Annex D4 – Verto York Central Highlight report

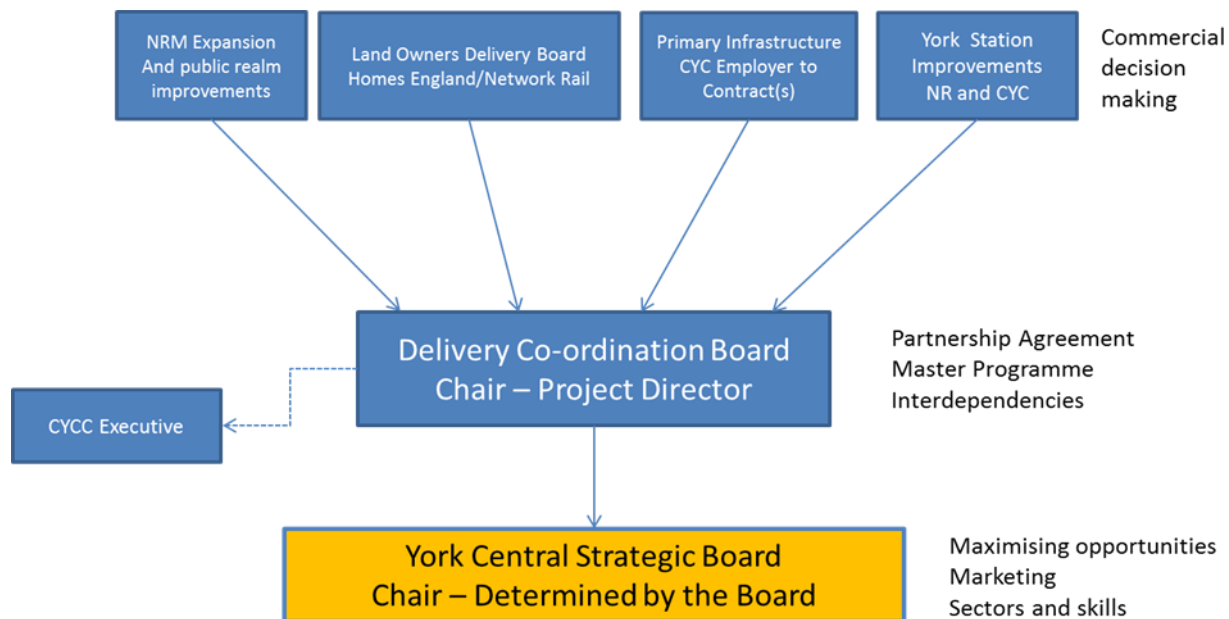
Annex D5 - York Central Gateway Review report

Annex D6. – Summary of York Central Executive decisions

## York Central Governance

### Excerpt from Executive report 29<sup>th</sup> November 2018

1. As the project moves onto delivery phase it is appropriate to review and evolve the existing governance arrangements to ensure coherent delivery across a large programme of interdependent projects, including the front of York Railway station and the station itself. This is represented diagrammatically below.



2. The Strategic Board will determine its own chair and will be responsible for
  - a. Maximising opportunities
  - b. Ensuring Strategic fit
  - c. Oversight of programme
  - d. Sectors and skills development
  - e. Advocating for the scheme
  - f. Oversight of the promotion and marketing
  - g. Leading effective decision making within their organisation
3. It is anticipated that senior representatives of both LEPs would sit on the Strategic Board.
4. The Delivery Co-ordination Board will be chaired by Project Director and will be responsible for :-
  - a. Delivering the commitments set out in the Partnership Agreement

- b. The ownership of the Master Programme, Cost and Quality benchmarks as set in Partnership Agreement
  - c. Baseline off plot infrastructure cost plan – agreed quality standard and extent
  - d. Decision making on delivery of future infrastructure packages
  - e. Baseline development appraisal (for monitoring of potential for super-profit via s106)
  - f. Proactive reporting from each of the “projects” on deviation from all the above, early identification of issues affecting the critical path
  - g. Manage interdependencies
  - h. Programme assurance
5. There will be a series of individual project boards for
- Infrastructure Delivery – led by CYC but including NR - consideration to be given to inclusion of LEP representatives to oversee delivery of funding commitments
  - Front of Station and Station Board overseeing the works to the front of and including the railway station
  - Development Partners – led by Homes England and Network Rail
  - NRM masterplan project
6. These will all feed into the Delivery Co-ordination Board and will be individually responsible for reporting to funding bodies and ensuring project assurance.

## York Central Governance Board Terms of reference

### **TERMS OF REFERENCE FOR THE YORK CENTRAL STRATEGIC BOARD**

1. The governance structure for the delivery of York Central is comprised three layers of management activity:

1.1 York Central Strategic Board;

1.2 York Central Delivery Co-ordination Board; and

1.3 individual delivery Boards relating to:

(a) delivery of the Primary Infrastructure – led by City of York Council ("**CYC**");

(b) York Station Improvements – led by Network Rail ("**NR**") with CYC;

(c) NRM Expansion – led by National Railway Museum ("**NRM**"); and

(d) Master Developers Delivery of Development Land – led by Homes England/NR collaboration arrangements.

2. These Terms of Reference relate to the top level Strategic Board with representatives of the wide partnership required to make York Central an international success.

### **3. Strategic Objectives**

A Strategic Board is required to oversee the planning and delivery of the redevelopment of York Central in a way that shall:

3.1 support York Central's role in the significant ambition for inclusive economic growth in York and the North, including the creation of a landmark business destination and attraction of national and international businesses around York's growing industry strengths;

3.2 maximise the benefits of the designated Enterprise Zone as part of the wider region; acting as a hub and catalyst for creativity and innovation;

3.3 drive the significant ambition for housing growth in this sustainable location, including new affordable homes to meet identified housing needs;

3.4 ensure connectivity to the city centre and surrounding neighbourhoods;

3.5 support the Station improvements and national and regional connectivity through the railway network;

3.6 ensure a focus on effective placemaking and achieve a high quality of spaces and buildings, complementing the historic setting and railway heritage;

- 3.7 support the expansion of the National Railway Museum as the cultural heart of York Central;
- 3.8 provide for the creation of high-quality digital and physical infrastructure from the outset;
- 3.9 encourage sustainability and minimise the carbon footprint of the development as a whole; and
- 3.10 engage with the community to ensure the development delivers broader social benefits to the people of York and creates a tangible sense of community.

#### **4. Terms of Reference:**

- 4.1 To set strategic objectives for collaborative work between the partners represented on the Board to deliver, and maximise the benefits of, these aims.
- 4.2 To invite other organisations and bodies to be part of, or attend from time to time, the Strategic Board to help achieve the strategic objectives.
- 4.3 To receive progress and other reports from the York Central Delivery Co-ordination Board and the individual partners represented on the Board.
- 4.4 To consider reports and issues and make decisions in accordance with provisions in any Collaboration or other Agreements between the partners represented on the Board. It should be noted that each organisation shall retain the right to take its own organisational decisions.
- 4.5 Where appropriate, to make representations to partner organisations and central government and take other actions to resolve impediments to progress and secure funding and other delivery resources for the development programme.
- 4.6 To resolve, adjudicate or mitigate high-level risks, opportunities and conflicts that cannot be addressed by the York Central Delivery Co-ordination Board or otherwise.

#### **5. Membership**

Proposed Board Member Organisations (represented at Chair, Chief Executive or Executive Director level):

- 5.1 Chair: Dame Mary Archer (for 2019);
- 5.2 City of York Council (two board members);
- 5.3 Science Museum Group (National Railway Museum) (two board members);
- 5.4 Network Rail (two board members);
- 5.5 Homes England (two board members);



5.6 Leeds City Region Local Enterprise Partnership (one board member, with an alternate identified);

5.7 YNYER Local Enterprise Partnership (one board member, with an alternate identified); and

5.8 Northern Powerhouse (represented by Leeds City Region Local Enterprise Partnership Board member).

## **6. In attendance**

The York Central Project Director shall normally attend meetings of the Strategic Board.

## **7. Meeting Administration**

7.1 Shadow board to be established in November 2019 with the intention of the board being chaired and fully operational within three months, or no later than the award of Outline Planning Consent.

7.2 Invitations shall be issued and managed by Homes England.

7.3 Meetings shall be held at least tri-annually, or more regularly as directed by the Board.

7.4 The meeting shall be documented by Homes England.

7.5 Papers shall be collated and issued by Homes England – wherever possible, these shall be issued a week ahead of Board meetings and circulated to all attendees.

**Terms of Reference for the York Central Delivery Co-Ordination Board**

It should be noted the strategic objectives set out follow those of the Strategic Board.

**8. Purpose**

8.1 The governance structure for the delivery of York Central is comprised three layers of management activity:

(a) York Central Strategic Board;

(b) York Central Delivery Co-ordination Board; and

(c) Individual delivery teams and project Boards relating to:

(i) delivery of the Primary Infrastructure – led by CYC (the York Central Infrastructure Delivery Board);

(ii) York Station Improvements – led by NR;

(iii) NRM Expansion and Public Realm Improvements – led by NRM; and

(iv) Delivery of Development Land – led by Homes England/NR collaboration arrangements (Land Owners Delivery Board).

8.2 These Terms of Reference relate to the Delivery Co-ordination Board with representatives of the wide partnership required to ensure that the component parts of the development are driven forward in a co-ordinated programme and in line with the Strategic Objectives, and steer of the Strategic Board, while respecting the individual organisations own remits and approval processes within the delivery teams for the interlocking component parts. The Delivery Coordination Board is accountable to the members of the Strategic Board.

**9. Strategic Objectives**

The Delivery Co-ordination Board shall drive forward and co-ordinate delivery in a way that shall:

9.1 support York Central's role in the significant ambition for inclusive economic growth in York and the North, including the creation of a landmark business destination and attraction of national and international businesses around York's growing industry strengths;

9.2 maximise the benefits of the designated Enterprise Zone as part of the wider region; acting as a hub and catalyst for creativity and innovation;

9.3 drive the significant ambition for housing growth in this sustainable location, including new affordable homes to meet identified housing needs;

- 9.4 ensure connectivity to the city centre and surrounding neighbourhoods;
- 9.5 support the Station improvements and national and regional connectivity through the railway network;
- 9.6 ensure a focus on effective placemaking and achieve a high quality of spaces and buildings, complementing the historic setting and railway heritage;
- 9.7 support the expansion of the National Railway Museum as the cultural heart of York Central;
- 9.8 provide for the creation of high quality digital and physical infrastructure from the outset;
- 9.9 encourage sustainability and minimise the carbon footprint of the development as a whole; and
- 9.10 engage with the community to ensure the development delivers broad social benefits to the people of York and creates a tangible sense of community.

## **10. Terms of Reference**

- 10.1 To work within a mutually supportive partnership environment that brings forward the main component parts of the York Central Development ("**Projects**") relating to York Station itself, the Primary Infrastructure, the Development Sites and the National Railway Museum expansion, in the context of the agreement for the Partnership.
- 10.2 Ensure the realisation of the strategic objectives for York Central, as overseen and updated from time to time by the Strategic Board.
- 10.3 Initiate, monitor and drive joint projects within York Central, reporting progress to the Strategic Board on a tri-annual basis or as directed.
- 10.4 To oversee and drive forward a Master Programme and Vacant Possession Plan for York Central with mutually agreed milestones, and seek to ensure that the obligations on the partners to deliver the component parts of the development are met.
- 10.5 Seek to ensure joint working and the efficient use of all resources and funding deployed to support the delivery of the above master programme.
- 10.6 To manage an overall Master Off Plot Infrastructure Budget and Master Off Plot Infrastructure Cost Plan for the development and ensure that the obligations to funding bodies and investors are met.
- 10.7 To receive proactive reporting on each of the "Projects" within the Master Programme, Vacant Possession Plan, Master Off Plot Infrastructure Budget and Cost Plan, with early identification of issues affecting the critical path.

- 10.8 To resolve technical issues within component parts of the development and the interface of the different elements of the development.
- 10.9 To agree the implementation of cost efficiencies, where affecting design quality.
- 10.10 In the event that cost overruns exceed the baseline Master Off Plot Infrastructure Cost Plan, to agree a strategy to address this to ensure all elements of infrastructure are delivered.
- 10.11 Reserved Matters applications.
- 10.12 To have sight of the development briefs for each of the plots, where applicable.
- 10.13 To review viability and land receipts biannually.
- 10.14 Ensure the promotion of York Central to internal and external stakeholders.
- 10.15 Ensure linkages between this Group and the partners' individual decision making and governance processes.
- 10.16 Seek to resolve or mitigate high level risks, opportunities and conflicts and, where these cannot be resolved, escalate these to the York Central Strategic Board.
- 10.17 Ensure reputational issues are managed in order to protect and promote the work of all partners.
- 10.18 To review the Agreement for the Partnership on an annual basis.
- 10.19 Monitor, review and amend its own Terms of Reference as the project evolves.

## **11. Membership**

Proposed Board Member Organisations :

- 11.1 Chair(s): To be determined by the Strategic Board before inception;
- 11.2 YC Project Director;
- 11.3 City of York Council;
- 11.4 Science Museum Group (National Railway Museum);
- 11.5 Network Rail; and
- 11.6 Homes England.

**12. Meeting Administration:**

12.1 Transition from existing YC Project Board to be completed in March 2019.

12.2 Invitations shall be issued and managed by Homes England.

12.3 Meetings shall be held at least monthly, or more regularly as directed by the Board.

12.4 Papers shall be collated and issued by Homes England – wherever possible, these shall be issued a week ahead of Board meetings and circulated to all attendees.

**13. Risks and Responsibilities**

13.1 The risk register has been updated by Avison Young (formerly GVA Grimley) to identify where each of the responsibilities for the risks lie. This sets clear lines of responsibility in the context of the Partnership Agreement.

13.2 The risk register shows a provisional split of responsibility between "Strategic" and "Delivery" Boards (individual risk and action owners unchanged). A specific risk workshop of the Infrastructure Delivery Board is due to be held in May, which shall be supported by an external facilitator, to reconsider the risks of that Board. In advance of this, an interim workshop is proposed to explore these risks and responsibilities.

## **YORK CENTRAL INFRASTRUCTURE DELIVERY BOARD (YCIDB) - TERMS OF REFERENCE - March 2019**

### **1. Purpose**

- 1.1 The governance structure for the delivery of York Central is comprised three layers of management activity:
- (a) York Central Strategic Board;
  - (b) York Central Delivery Co-ordination Board; and
  - (c) Individual delivery teams and project Boards relating to:
    - (i) delivery of the Primary Infrastructure – led by CYC (the York Central Infrastructure Delivery Board);
    - (ii) York Station Improvements – led by NR;
    - (iii) NRM Expansion and Public Realm Improvements – led by NRM; and
    - (iv) Delivery of Development Land – led by Homes England/NR collaboration arrangements (Land Owners Delivery Board).
- 1.2 These Terms of Reference relate to the York Central Infrastructure Delivery Board which feeds into the Delivery Co-ordination Board and is responsible for reporting to funding bodies and providing project assurance for the delivery of the primary infrastructure.

### **2. Strategic Objectives**

- 2.1 The Infrastructure Delivery Board is the primary delivery group for CYC obligations and is required to oversee the delivery of all CYC York Central funded projects. It is primarily accountable to the Councils Executive having due regard to the YCP partnership arrangements.
- 2.2 The YCIDB cannot successfully deliver its objectives without detailed collaboration and in a variety of areas, statutory consents and or financial approvals from partners as funders, landowners or regulators. Therefore it is incumbent on the YCIDB to fully and positively engage with the YC governance arrangements, ambitions and formal agreements and obligations.
- 2.3 Inevitably compromise will be necessary as part of the delivery of York Central and the YCP governance arrangements and the Council's governance arrangements will need to be supported by professional advice to ensure that options analysis and recommendations are properly considered throughout the delivery of YC.
- 2.4 The YCIDB will follow the Council's constitution and gateway process. It will seek agreement from the Councils Executive to release funds to the

YCIDB for the delivery of York Central infrastructure. The YCIDB will be driven by the following York Central objectives

- (a) Support York Central's role in the significant ambition for economic growth in York, including the creation of a landmark business destination and attraction of national and international businesses around York's growing industry strengths;
- (b) Maximise the benefits of the designated Enterprise Zone as part of the wider region; acting as a hub and catalyst for creativity and innovation;
- (c) Drive the significant ambition for housing growth in this sustainable location, including new affordable homes to meet identified housing needs;
- (d) Ensure connectivity to the city centre, surrounding neighbourhoods, and the wider region as well as nationally with the Station and railway network
- (e) Achieve a high quality of spaces and buildings, complementing the historic setting and railway heritage;
- (f) Support the expansion of the National Railway Museum as the cultural heart of York Central;
- (g) Provide for the creation of high quality digital and physical infrastructure from the outset, and encourage low carbon living.
- (h) Ensure effective consultation and engagement to shape the scheme

### **3. Terms of Reference**

- 3.1 All decisions will be taken under the council's scheme of delegation by the appropriate officer. Where Executive or Executive Member is required to make a decision the board will oversee the production of a formal report or decision note as appropriate. The Infrastructure Delivery Board will advise the council decision makers on the delivery of the York Central infrastructure
- 3.2 To oversee the delivery activity to ensure that the phases of infrastructure are delivered on time and on budget to established quality criteria
- 3.3 To oversee procurement of contactors and then manage and monitor their performance
- 3.4 To manage the agreed Off plot Infrastructure Cost Plan and budget for each commissioned phase of infrastructure delivery
- 3.5 To review and monitor delivery of the programme for each commissioned phase of infrastructure delivery
- 3.6 To provide regular progress and cost reports and claims to funding bodies

- 3.7 To provide regular progress and cost reports to the Delivery Co-ordination Board
- 3.8 To be accountable for delivery of conditions associated with funding agreements
- 3.9 To maintain up to date risk and issue logs, lessons learned logs, oversee mitigation activity and escalate to the Delivery Co-ordination board as appropriate
- 3.10 Where appropriate to identify actions to resolve blockages to risks and issues
- 3.11 To explore and review value engineering opportunities to continually manage future cost over runs
- 3.12 To receive progress and other reports from the project manager and to consider linked issues arising from other workstreams
- 3.13 To prepare a Reserved Matters Application for planning (RMA) for each commissioned phase of infrastructure
- 3.14 To seek the sign off of all RMA s from the Delivery Co-ordination Board
- 3.15 To seek sign off of from Executive as appropriate to CYC constitution
- 3.16 ON behalf of CYC To submit RMAs to Local Planning Authority
- 3.17 To seek Executive agreement to release budget to fund each phase of the scheme
- 3.18 To explore additional sources of grant funding for the infrastructure packages
- 3.19 To provide board minutes and updates to the YCP Project Director
- 3.20 To agree project specific communication and engagement activity associated with the design, planning and delivery of commissioned infrastructure
- 3.21 To prepare any remedial plans requested by the Delivery Co-ordination Board or the Strategic Board
- 3.22 To interface with the Station Board to ensure integration of critical path activity between the two projects and to work to resolve issues that arise from the interface between projects.



- 3.23 To oversee delivery of council led works to the front of the station
- 3.24 To deliver planning conditions associated with the infrastructure delivery as delegated by the Delivery Co-ordination Board and/or the landowners Delivery Board and for this delegation to be agreed by the Infrastructure Delivery Board
- 3.25 To develop proposals for the use of CYC S106 commuted sums

#### **4. Membership:**

4.1 Proposed Board Membership is initially set out below but may be modified by the Chair as required:

- Chair: - Director of Economy and Place
- Assistant Director of Highways Transport and Waste
- Assistant Director Regeneration and Asset Management
- YCP Programme Director
- Head of Regeneration Programmes
- Head of Transport
- Major Transport Projects Manager
- York Central Senior Transport Project Manager
- Finance Manager
- Legal Manager, Projects
- Major Projects Communications Officer
- Head of Smart Transport Programme
- Network Rail representative
- YCP Planning representative
- West Yorkshire Combined Authority representative
- Avison Young –(Minutes)

#### **5. Meeting Administration:**

- 5.1 Shadow board to be established in October 2018 with the intention of the board being chaired and fully operational by the end of March 2019
- 5.2 Invitations will be issued and managed by YCP Project Assurance Avison Young
- 5.3 Meetings will be held fortnightly
- 5.4 Papers will be collated and issued by Avison Young – wherever possible, these will be issued 3 working days ahead of Board meetings and circulated to all attendees.

## 6. CYC Governance

- 6.1 The CYC Executive will agree the sign off of funding for all future infrastructure packages and, where CYC are the delivery agent, CYC Executive will sign off designs for the submission of planning applications for that infrastructure. CYC will sign funding agreements with WYCA and HIF and as Accountable Body for those grants and will fulfil grant conditions and fulfil its own statutory and governance arrangements for Council controlled funds. It is envisioned that this will be at the highest level and will require oversight of all expenditure, outputs and the delivery programme and all necessary legal and regulatory approvals that are wholly or part funded.
- 6.2 This is entirely separate from the council's statutory functions as both Local Planning Authority (LPA) and Highways Authority. All planning decisions will be undertaken by the LPA through the **Planning Committee** in accordance with the CYC Major Projects Conflict Protocol. The Planning Committee will not be constrained by any decisions of the Executive to submit planning applications or agree the York Central Partnering Agreement.

Risk Identification									Pre-mitigation * CYC Scoring Matrix				Risk Management					Post-mitigation * CYC Scoring Matrix			
Risk Number	Risk Title	Risk Detail	Implications (Consequence)	Board Responsibility (YCP Delivery Coordination Board or Infrastructure Delivery Board)	Risk/ Owner Champion	YCP Category	CYC Category	Imminence/ status Current/ Future/ Closed	Likelihood	Impact	Gross Score	Gross Rating	Management Strategy/ Progress	Controls / Management Actions Planned	Action Owner	Action Completion Date (or associated milestone)	Actions On Target	Likelihood	Impact	Net Score	Net Rating
PB01 (a)	Planning permission for YC.	Failure to agree and sign S106	Possible decision to call in by Secretary of State Heightened risk of challenge during JR period. Costs associated with JR. Full benefits not realised. Delay to delivery and loss of funding.	Delivery Coordination Board	YCP JP / CJ	Planning/ Consents	Legal & Regulatory	Current	5	4	21	VH	On-going	(1) DLA Piper legal review of application undertaken in advance of submission - complete. (2) Close discussions with LPA Officers prior to submission - complete. (3) Ensure that scheme as submitted is permitted, which has been created as a result of pre-app discussion and engagement with community - complete. (4) Outline Planning Permission resolution to grant secured subject to s106 agreement and conditions. (5) <b>Conclusion of s106 matters to be progressed and concluded.</b> (6) Risk of Judicial Review to be monitored.	YCP JP / CJ	02-Sep-19	Y	1	4	12	M
PB01 (b)	YC Integration with local plan.	Risk of local plan not being in place prior to YC submission.	Lack of Local Plan and established policies impact determination of planning applications. If applications went to appeal the Secretary of State may not grant permission.	Delivery Coordination Board	YCP JP / CJ	Planning/ Consents	Legal & Regulatory	Current	5	3	16	H	On-going	YC Process and progress have now have overtaken local plan development: (1) Outline Planning Permission resolution to grant secured subject to s106 agreement and conditions. (2) RMA submission planned.	YCP JP / CJ	02-Sep-19	Y	5	1	7	L
PB02 (a)	Off plot Infrastructure Costs	Off plot infrastructure costs are unaffordable on the basis of the £155m budget.	Construction cost inflation, leading to failure of value engineering, and failure to fund all elements of Infrastructure plan. Development (or elements thereof) does not come forward.	Delivery Coordination Board	YCP (DW)	Feasibility/ Viability	Financial & Efficiency	Current	3	5	23	VH	On-going	(1) Design & Technical advisers to devise a scheme which matches the funding budget. (2) HIF/EZ/AH are being reviewed and there are opportunities to aid the viability of the scheme. (3) Delivery strategy set on the basis of a specific budget with zero movement through last 3 cost plan iterations prior to Infrastructure Procurement (PSC, IPI & 2) process. (4) Stage 1 tender process completed and analysis/presentation under iteration and review.	Arup (RB)	02-Sep-19	Y	3	3	14	M
PB02 (b)	Overall scheme viability	Risk of the scheme as a whole becoming unviable, unable to deliver sufficient value etc.	Development does not come forward.	Delivery Coordination Board	YCP (MS)	Feasibility/ Viability	Financial & Efficiency	Current	3	5	23	VH	On-going	(1) Business Plan/ Viability plan for NR/HE approach agreed to give appropriate level of reasonable landowner return to cover costs/EUV. (2) Dependencies are Funding Plan for off-plot development, agreement of quantum of development in application and agreement in application of Affordable Housing offer/ mix. (3) s106 HoTs agreed ahead of conclusion.	Arup (RB) / NR (MS)	02-Sep-19	Y	2	3	13	M
PB03	IP2 feasibility (Millennium Green Land)	The proposed infrastructure to access the site is not feasible due to inability to comply with the conditions agreed with Millennium Green Trustees on the deadline to serve notice (which requires planning permission and funding to be in place to the satisfaction of YCP).	Delay to point at which notice can be served which is beyond a reasonable margin after the deadline of 31 December 2019. Requirement to negotiate and draw up a revised agreement with MG Trustees. Impact on programme and deliverability.	Infrastructure Delivery Board	YCP (DW)	Stakeholder	Stakeholder	Current	5	4	21	VH	On-going	(1) All matters and terms are agreed with MG trustees and the conditional agreement is in place as of 21/12/18. (2) Maintain and monitor programme and progress to ensure planning permission and funding in place to the satisfaction of YCP prior to 31/12/19. (3) Flag likelihood of deadline being at risk and engage in discussions with MG trustees to agree a reasonable extension to the deadline of 3 months (considered by DLA to be a reasonable request). (3.1) - July '19 - likelihood flagged, mitigating steps in progress. (4) Monitor effect of Judicial Review (risk) on programme and satisfying MG notice milestones/triggers. Must submit RMA by 28/6/19 or mitigated risk is elevated to red.	YCP (DW)	02-Sep-19	Y	4	3	15	M
PB04	IP2 Technical feasibility	The proposed infrastructure to access the site is deemed too technically complex and costly.	The preferred access solution cannot be delivered. Unmanageable funding gap. Project fails and vision not realised. Planning and funding to deliver are triggers to serve notice on MG trustees which must be in place and notice served by 31/12/19	Infrastructure Delivery Board	Arup (RB)	Feasibility/ Viability	Financial & Efficiency	Current	2	4	18	H	On-going	(1) Detailed site access options appraisal undertaken by Arup. Reviewed by the Board in November 2017 and preferred access option A2 confirmed. (2) Decision made by CYC Exec to proceed with a western access option (A2) - alignment that does not require MG land (other than reserved land). (3) Ensure working with preferred contractor to work to bring the scheme in within the required budget. (design stage 4) (4) Engage with technical representatives to ensure bridge fabrication and installation methods mitigate rail disruption risk as far as possible with minimum possessions. (5) Reassurance that ground conditions and method of construction for the bridge are appropriate.	Arup (RB)	02-Sep-19	Y	1	4	12	M
PB06 (a)	HIF - Infrastructure funding and appetite	Inability to secure all/ some identified HIF infrastructure funding due to: a) Delivery timescales b) Business case assessment	Scheme does not proceed Delayed and/ or disjointed development of the site. Increased costs attributed wider funding streams. Critical infrastructure becomes undeliverable in envelope of available funding. Reduced site viability. Full benefits not realised. Extended timescales for site delivery.	Delivery Coordination Board	YCP (MS / BM / Homes England)	Cost/ Funding	Financial & Efficiency	Current	2	5	22	VH	On-going	(1) The timely and appropriate resourcing of co-development work (2) Identify what infrastructure is needed and a strategy for how it will be funded in different funding availability scenarios. (3) Resource HIF business case development process appropriately. (4) Review infrastructure delivery programme and establish date by which RIBA stage 3 and Stage 4 will need to be instructed. (5) Agree Governance Arrangements. (6) Submission of planning application to assure on deliverability achieved. (7) HIF application process has passed into the co-development phase.	YCP (MS / BM / Homes England)	02-Sep-19	Y	2	5	22	VH
PB06 (b)	EZ - Infrastructure funding and appetite	Absence of HIF (PB06a) increases reliance on this funding source. Inability to secure required level of infrastructure funding - Level of risk and/ or return not acceptable for planned investment. Delay to delivery programme diminishes EZ revenues	Delayed and/ or disjointed development of the site leading to reduced funding availability and risk that scheme does not proceed. Increased costs attributed to wider funding streams. Critical infrastructure becomes undeliverable in envelope of available funding. Reduced site viability if required for critical infrastructure. Full benefits not realised. Extended timescales for site delivery.	Infrastructure Delivery Board	YCP (MS / BM / Homes England)	Cost/ Funding	Financial & Efficiency	Current	2	5	22	VH	On-going	(1) Principle of EZ borrowing has been established (December 2018). (2) Borrowing remains part of budget which is dependant on HIF which is therefore to be monitored. (3) Resolution to borrow is secure subject to resolution of HIF funding. (4) In the absence of HIF explore opportunities to retain borrowing facility.  Note - this is not strictly a Delivery Coordination Board or Infrastructure Board risk, it is a risk for CYC to manage centrally and keep Boards advised.	YCP (MS / BM / Homes England)	02-Sep-19	Y	1	5	17	H

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PB06 (c)	WYCA & WY+TF- Infrastructure funding and appetite	Inability to secure identified level of infrastructure funding due to business case assessment.	Scheme may not proceed. Delayed and/ or disjointed development of the site. Increased costs attributed to wider funding streams. Reduced site viability. Full benefits not realised. Extended timescales for site delivery. All identified transport infrastructure and benefits may not be realised	Infrastructure Delivery Board	YCP (MS / BM / Homes England)	Cost/ Funding	Financial & Efficiency	Current	3	5	23	VH	On-going	(1) Identify what infrastructure is needed and a strategy for how it will be funded in different funding availability scenarios. (2) Resource and progress business case development process appropriately (3) Continue discussions and applications for wider complementary funding. (4) Ensure delivery to programme. (5) Full WYNA Board on 19/11/18. (6) CYC process (December 18) (7) Resolution to make funding available is secure subject to HIF funding decision.	YCP (MS / BM / Homes England)	02-Sep-19	Y	1	5	17	H
PB07	YCP Partnership Agreement	Unable to agree partnership between CYC, NR, NRM and HE due to diverse and/ or conflicting aims and objectives.	Poor/ inefficient / inconsistent 'Client' performance. Lack of direction/ instruction to Technical Team. Poor management of the Project. Project does not have clear objectives. Full benefits not realised. Unexpected costs for partners. Partnership breaks up. Securing of HIF funding jeopardised by inability to demonstrate deliverability.	Delivery Coordination Board	Delivery Coordination Board	Management	Governance & Management	Current	3	5	23	VH	On-going	(1) Now MOU/HotIs agreed, viability demonstrated, board member respective organisational sign offs are complete (19/12/18). (2) Partnership [Partnering] Agreement to be drafted in legal terms and sign off from respective organisations sought by (31/5/19) - not yet concluded (3) IG taking the lead in driving residual matters to a conclusion with Partners.	YCP (IG)	02-Sep-19	N	1	5	17	H
PB10 (b)	12 Acre Site / York Yard South - Operational railway uses	Non-inclusion of York Yard South land in comprehensive development scheme.	Comprehensive development of the site prevented as would not be able to develop part of the land.	Delivery Coordination Board	NR (MS)	Site	External	Current	2	3	13	M	On-going	(1) DfT engaged and looking to get more certainty on likely land requirements. View from DfT is that probable that some stabling on YYS from 2023 onwards. Freightliner stabling could be accommodated at York Yard South. (2) NR progressing Continuous Modular Strategic Planning (CMSP) study for DfT on Depots & Stabling strategy. Timescale to be determined. (3) NR to establish if alternative stabling site works in terms of rail capacity as part of CMSP study and hence will seek allocation of site (York Yard North) as safeguarded land with DfT to enable release of York Yard South (4) Draft master plan and parameters have been formed on the basis that the site could come forward should this land not be made available so this risk is limited to an impact on viability rather than the scheme going ahead as a whole.	YCP (MS)	02-Sep-19	Y	2	3	13	M
PB12	YCP Project resource and management	Inadequate time commitment from YCP members leading to poor project management/ project performance. Insufficient resource from each Partner organisation to provide sufficient support/engagement.	Poor/ inefficient/ inconsistent 'Client' performance. Poor management of the Project. Lack of direction/ instruction to Technical Team leading to cost increases and project delay. Loss of Project Board confidence. Project fails.	Delivery Coordination Board	DW (with Board assistance)	Management	Governance & Management	Current	2	4	18	H	On-going	(1) Resource from within Partner organisations must be independent and resourced/ agreed appropriately. (2) Additional dedicated and independent resource - in place for current workstreams (3) Homes England, Network Rail and NRM have part-time resource for project but review and greater transparency of roles and responsibilities required. (4) Homes England an Network Rail to resource respective future workstreams appropriately. (5) Roles and responsibilities review completed and consideration of YCP becoming less of an entity as we move in to the delivery phase, the responsibility becoming that of the Partners directly. (6) Homes England Project Director appointed and due in post - Supporting roles (2no.) are to be filled in due course.	YCP (DW)	02-Sep-19	Y	1	4	12	M
PB13	Development market interest (B1a office led component)	This is a risk the YC does present a clear and compelling delivery and marketing strategy and fails to attract Development market interest.	Failure to attract development market interest. Full benefits not realised or delayed. Risk to returns on some funding streams	Delivery Coordination Board	Delivery Team and CYC	Feasibility/ Viability	Financial & Efficiency	Current	2	4	18	H	On-going	(1) Demand in commercial market anticipated from commercial advisors Savills, as outlined in the Market Report. (2) Initial conversations undertaken with a number of interested occupiers from the City, looking for expansion space/ city centre presence. (3) Certainty on funding and planning required before formally soft market testing. (4) Soft market testing proposal developed by Savills in anticipation. To begin in (early 2019) with MIPIM Cannes 2019 as target "launch". (5) High level draft Delivery Strategy developed by Homes England and Network Rail with support from Savills. Will be informed by soft market testing and led by Project Director. (6) CYC to identify target sectors in context of wider Economic Strategy. (7) Work with LEPS, Make it York and Department for International Trade to identify occupiers. (8) Potential for CYC to underwrite risk to allow more speculative schemes to proceed.	YCP (IG)	02-Sep-19	Y	1	4	12	M
PB14	Economic / Property Cycles	Uncertainty/ downturns in the economic or property cycles lead to lack of progress/ appetite. Macroeconomic change and impact on short/ medium/ long term growth.	Delayed delivery of development and benefits. EZ business rates delayed. Investor/ occupier confidence reduced. Residential considered to be resilient in York however Commercial, despite the quality of the scheme, occupiers, investors and developers are more likely to defer decisions on new space until they feel the market is coming back.	Delivery Coordination Board	Working Group	Feasibility/ Viability	Financial & Efficiency	Current	3	4	19	H	On-going	(1) Develop a procurement approach to bring the right level of compulsion on development partners to build. (2) Strategy to secure occupier pre-lets. (3) Target MIPIM when correct material is available. (4) Consideration of how different components of the scheme could come forward without others in order to avoid the whole scheme being slowed.	YCP (IG)	02-Sep-19	Y	2	4	18	H
PB15 (a)	License Condition 7 Consent (42 Acres)	Failure to establish agreed Method of Work for NRM rail crossing to satisfaction of ORR.	Loss of certainty regarding key land plot availability. Comprehensive development of the site disrupted.	Infrastructure Delivery Board	NR (MS)	Feasibility/ Viability	Stakeholder	Current	3	3	14	M	On-going	(1) LC7 condition to be satisfied re satisfactory rail access to NRM South Yard by agreeing Method of Work for road/ rail crossing point with ORR. (2) NRM developing MoW to be discussed with ORR in November - complete. (3) Secure viable western access as this lowers risk. (4) Highway authority relaxed about the proposal and can discuss a highway management plan. Just the rail side with ORR remaining to resolve. (5) NRM have a risk assessment from TSP and are continuing dialogue with ORR - Timescales for sign off are to be determined.	YCP (MS)	02-Sep-19	Y	3	3	14	M

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PB15 (b)	ORR consent to new Level Crossings over NRM Rail Link	Failure to establish agreed Method of Work for NRM rail crossing to satisfaction of ORR.	Loss of certainty regarding key land plot availability. Comprehensive development of the site disrupted.	Infrastructure Delivery Board	NRM (KE)	Feasibility/ Viability	Stakeholder	Current	3	3	14	M	On-going	(1) NRM developing MoW to be discussed with ORR in November - complete. (2) NRM have a risk assessment from TSP and are continuing dialogue with ORR - Timescales for sign off are to be determined.	NRM (KE)	02-Sep-19	Y	3	3	14	M
PB16 (a)	Vacant Possession programme	Vacant possession plans not aligning with phasing plan for development	Delivery sequencing/ phasing having to change.	Infrastructure Delivery Board	NR (MS)	Programme	Stakeholder	Current	3	3	14	M	On-going	(1) VP plan dated 12/12/18 provided and reflected in master programme and infrastructure procurement key milestones document. (2) Strategy re conflicts/constraints/risks to evolve in discussions with Arup and CYC. (3) 2D overlay prepared along with Geographical Information System version which supports more detailed review and manipulation and flagging of conflicts (4) Infrastructure plan and plot development to align with this and conflicts to be highlighted - Infrastructure phasing plan complete, development plot phasing plan to be completed. . (5) Currently down to managing small areas of the site - MS to consider specific residual site VP conflicts within the register to follow in the next iteration.	YCP (MS)	02-Sep-19	Y	2	3	13	M
PB16 (b)	Unipart - Vacant Possession programme	Unipart vacant possession plans not aligned with phasing plan for development. Unipart do not submit Planning within manageable timescales for YCP.	Phasing impact/delay on works generally and to cinder lane.	Infrastructure Delivery Board	NR (MS)	Programme	Stakeholder	Current	3	3	14	M	On-going	(1) Unipart/Northminster Planning Application - Resolution to grant secure subject to SoS call in. (2) Monitor Unipart plans/programme to vacate - Unipart have stated that they require until end of June 2020 to vacate. (3) Take appropriate steps to manage contractual relationship with Unipart regarding their occupation/vacation date - Unipart have been offered a contractual right to stay on site until December 2020, subject to conditions. (4) Review programme to assess effect on site development. (5) Note: This area of the site is considered as part of the wider VP plan and will have impact on some element of the programme and demolition of certain buildings - all of which is considered manageable - This timescale should not impact road works, will impact phasing of temporary car parking and plot development.	YCP (MS)	02-Sep-19	Y	3	2	9	L
PB16 (c)	Vacant Possession – NRM Land Approvals	Delay or difficulty in taking the the agreed IP1/IP2 design (including NRM fundamental/functional requirements and use of NRM land, whether for the road, rights of way, permissive paths or disposal for development) through Science Museum Group Board of Trustees for approval, DCMS approval, and (almost certainly) HM Treasury approval.	Delay to vacant possession for the start of the infrastructure works. (approval process is estimated as 3-4 months from having the 'agreed design' in place).	Infrastructure Delivery Board	NRM (KE)	Programme	Stakeholder	Current	1	4	12	M	On-going	(1) timely conclusion of the design pack basis for the commencement of the PSC (ECI) process to arrive at a pack of information on which NRM can base their approvals processes.	CYC (MH)	02-Sep-19	Y	1	4	12	M
PB17	FOI	There is risk of an FOI request and subsequent challenge due to poor communication/ consultation with stakeholders and local community.	Potential adverse effect on Partners reputation/ credibility. Inadequate consultation causes prolongation of determination of planning applications. Delay in planning application submission and failure to gain planning permission. Heightened risk of challenge during JR period. Costs associated with JR. Delay to delivery and loss of funding.	Delivery Coordination Board	Aberfield YCP (KA/DW)	Stakeholder	Stakeholder	Current	3	2	9	L	On-going	(1) Aberfield appointed as Comms team, working closely with YCP and planning advisors leading up to and in support of the OPA. (2) Staged consultation programme delivered, led by Allies & Morrison (Stages 1-4 complete. Further communication to take place on design of access road). (3) www.yorkcentral.info developed and hosts consultation material (past and present) to aid transparency, including myth busting notes - ongoing strategy to maintain this function is to be considered. (4) GW drafting future comms strategy for Strategic Board/Strategic Board approval. (5) YCP Comms Strategy/Protocol to be developed. (6) Social media has built a base of followers over the past year to April 2019 - content should be programmed (and interaction monitored/ managed) to continue to grow this base.	YCP (KA/DW)	02-Sep-19	Y	2	2	8	L
PB18	Poor ongoing community engagement	Perceived lack of transparency triggers scheme opposition.	Delay in planning application submission, prolongation of determination and potential failure to gain planning permission. Heightened risk of challenge during JR period. Time and resource required to manage potential FOI request. Full benefits not realised. Delay to delivery phase and potential loss of funding.	Delivery Coordination Board	Allies & Morrison (AMcD) Aberfield YCP (KA/DW)	Stakeholder	Stakeholder	Current	3	4	19	H	On-going	(1) Community Forum set up to engage with key stakeholders and local communities. OPA submitted so no further meetings to take place. (2) Aberfield and Allies & Morrison working with YCP to deliver a staged planning engagement strategy (Stages 1-4 complete with positive results and feedback. Further communication to take place on design of access road). (3) Occasional use of My Future York on specific matters including southern connection. (4) Long term engagement strategy to be developed; (5) YCF review meeting with MYC 21/03/19 needs to be to be re-programmed after Purdah as is was postponed due to the change in committee date. (6) My Future York/ My York Central to run meeting to scope new open structure. YCP to summarise amendments to OPA from previous engagement as part of this (ref MYC blogs (prelude and annex) 4 May 2018) to respond to criticism expressed at Planning Committee. Proposal for future structure and facilitation to be agreed by YCP and CYC (ref Jan Exec report) (7) Keep informed e-mail list – invite former YCCF members to join KIL, and explore merging MYC mailing list to reduce risks arising from comms via multiple mailing lists. (8) RMA engagement to meet principles/ charter as set out in YCP Engagement Framework.	YCP (KA/DW)	02-Sep-19	Y	2	2	8	L

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PB19	Members engagement	Lack of engagement and progress updates leads to loss of Members support.	Members do not support proposals put forward under the RMA. Delay in planning application submission, prolongation of determination and potential failure to gain planning permission. Heightened risk of challenge during JR period. Full benefits not realised. Delay to delivery phase and potential loss of funding.	Delivery Coordination Board	YCP (KA/DW)	Stakeholder	Stakeholder	Current	2	4	18	H	On-going	(1) Member briefings to be established in the approach to the next decision point around delivery of infrastructure (RMA submission and commitment of spend). (2) Benefit of Leader and Deputy Leader of CYC seat on Strategic Delivery Board to be considered as part of this process.	YCP (KA/DW)	02-Sep-19	Y	2	3	13	M
PB20	Historic England and Civic Trust Engagement	Lack of support for scheme from Historic England and Civic Trust in response to the proposals under the Infrastructure RMA.	Historic England do not support the scheme and it is not possible to agree satisfactory solution to reach a decision in connection with the RMA.	Infrastructure Delivery Board	YCP (JP)	Stakeholder	Stakeholder	Current	3	3	14	M	On-going	(1) Engage and continue to engage with Historic England and Civic Trust in order to develop mutually acceptable RMA to enable permission to be granted.	YCP (JP)	02-Sep-19	Y	2	3	13	M
PAR01 Feb-18	Project Management	Inadequate project master programme development, team engagement opportunities and ongoing management.	Poor programme visibility across the project team. Lack of coordinated programme. Team not aware of key workstream and client milestone dates. Poor visibility of YC approval process/ key dates. Risk of missed deadlines, poor project team performance, programme prolongation and additional fee claims.	Infrastructure Delivery Board	YCP Working Group AY	Programme	Stakeholder	Current	2	4	18	H	On-going	(1) A series of post Project Assurance Review actions have been implemented and have functioned well in support of progressing to the submission of the OPA. Structure in place, well established and functioning well. (2) Similar structure and working practices to be considered and implemented across Infrastructure Delivery Board levels and within Master Developer structure as roles and responsibilities move to the Partners independently in order to provide consistency of approach and assurance links between each governance level. (3) Partners to consider and ensure that the appropriate resources and structures are in place within each Partner organisations in order to move into delivery.	YCP (DW) AY (BC/WN)	02-Sep-19	Y	2	3	13	M
PAR02 Feb-18	Risk Management	Inadequate risk register and management activity and poor awareness of risks across the wider project team. One coordinated risk register, relevant and update-to-date version not available.	Poor risk management will impact project momentum, prevent timely management of risk and identification/ implementation mitigation action. Project cost plan and contingency allowances will be inadequate leading to cost increase.	Delivery Coordination Board	YCP Working Group External PM	Management	Governance & Management	Current	2	3	13	M	On-going	(1) A series of Risk Management post Project Assurance Review actions have been implemented and have functioned well in support of progressing to the submission of the OPA. Structure in place, well established and functioning well. (2) Similar structure and working practices to be considered and implemented across Infrastructure Delivery Board levels and within Master Developer structure as roles and responsibilities move to the Partners independently in order to provide consistency of approach and assurance links between each governance level. (3) 'Blank Page' Risk Workshops planned at Infrastructure Board Level and Delivery Coordination Board level in order to develop independent registers and associated risk management regimes.	YCP (DW) AY (BC/WN)	02-Sep-19	Y	2	3	13	M
PAR03 Feb-18	Project Governance	Risk of confusion across the team in connection with the decision making process, it's effectiveness and validity.	Poor understanding of the project across the team, potential for different assumptions and conclusions, ultimately hindering project progress and efficient delivery.	Delivery Coordination Board	YCP Working Group	Management	Governance & Management	Current	2	3	13	M	On-going	(1) Create project Decisions Log (Complete), (as part of board) (2) Maintain/ review at monthly Arup/YCP PM meetings (ongoing) (3) Store on a shared drive enable full team access. (4) 05/18 - arrangements much improved from late 2017/early 2018 - continue to monitor. (5) Implementation of change management process and control to be established with DW. (6) Governance structures and Terms of Reference for Delivery Coordination Board an Infrastructure Delivery Board in development - fundamental point for readiness for delivery.	YCP (DW) AY (BC/WN)	02-Sep-19	Y	1	3	6	L

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PAR04 Feb-18	Leadership	Project leadership, roles & responsibilities are not widely understood by the external Technical Team, particularly during the period of transition to delivery phase. Matter is compounded by the lack of Partnership agreement.	(1) Risk of multiple, conflicting priorities remaining unresolved with no clear direction/ decision making on which to move forward. (2) Risk of decisions being made in principle at workstream level to then be over-ruled some time later following review at Board level.	Delivery Coordination Board	YCP Working Group Arup	Management	Governance & Management	Current	2	3	13	M	On-going	(1) Update Project Execution Plan with YCP WG and activity manage as a live document. Ensure wider team understand it. (2) Resolution of 'business plan', terms of partnership agreement, and identification of figurehead/leader for conflict resolution. (3) Engage dedicated external Project Management support with correct terms of reference. (4) Project Director appointed and in post - 20 May '19. (5) Individual project teams are to be resourced accordingly. (6) Consideration to be given to heightened leadership risk during interim/transition period and whilst lead Project Manager (THJ) is moving away from the project.	YCP (IG) AY (BC/WN)	02-Sep-19	Y	2	3	13	M
PAR08 Feb-18	Business Plan	The external team are not conversant on the YCP "Business Plan" and delivery model. No appreciation of the agreed YCP project objectives and drivers.	Lack of Project Team cohesion and clear direction. Potential to impact wider Development interest if Business Plan is unclear.  Linked with pb02 (A), PB02(B) & PB07 above (Partnership Agreement)	Delivery Coordination Board	YCP Working Group	Feasibility/ Viability	Financial & Efficiency	Current	3	4	19	H	On-going	(1) Creation of Investment Plan for the overall project. (2) Develop Delivery Plan for development. (3) Engage the consultant team in this process to draw on experience. (4) Business Plan to be developed to reflect Homes England and Network Rail Aspirations linked to and consistent with the Partnership agreement.	YCP (IG / MS)	02-Sep-19	Y	2	4	18	H
PAR10 Feb-18	Task Orders / Team Performance	Task Order process/ administration - source of frustration with YCP and Arup and hindrance to project progress, team collaboration and transparency.	Potential to erode project team collaboration, trust and communication. Workstream programme slippage and inefficient delivery. Breakdown of Arup's supply chain relationships - A&M, T&T and GPB	Infrastructure Delivery Board	YCP Working Group Arup	Management	Governance & Management	Current	2	2	8	L	On-going	(1) Arup: to build on agreement/ commitment given in November 2018: - Task orders to be set out as per agreed format established in task order 1; - Review task order inter-relationships and budgets against task order schedule; and - Task order approval to staged approval from YCP working group of draft scope and fee, developed scope and fee, approval. (2) Working group (DW): to consider with YCP Board a delegated authority structure that permits TO sign off without the need to await Board meetings. (3) Careful project team management to avoid disrupting current team structure and risk causing further project delivery delay. (4) Consideration of clarity of instructions and how they are articulated on both sides (Task order and supporting information). (5) All above tasks complete and relationship/performance is considered to be well managed and under control. Clear mechanism for control and point of contact for instructions in place - Michael Howard now in post and dealing with Arup relationship and performance with regular ongoing liaison on progress/performance held outside of technical sessions.	YCP (DW) Arup (RB) AY (BC/WN)	02-Sep-19	Y	1	1	1	VL
PAR16 (b) Feb-18	Archaeology risk - Construction/delivery. Site wide risk	Risk of archaeological discovery (including burial grounds) during delivery.	Possible requirement for archaeological dig which delays programme and threatens funding milestones	Infrastructure Delivery Board	Arup	Programme	External	Current	3	3	14	M	On-going	(1) Monitor during delivery phase and engage directly with CYC and Historic England as necessary (2) Responses to be sought from Arup on GI findings and to evaluate if further trials are necessary at this stage.	Arup (PW)	02-Sep-19	Y	3	3	14	M
PAR19 Feb-18	Ownership of Square and open spaces (public realm)	Inability to confirm long term ownership/ management responsibility for the square.	Potential impact on masterplan workstream and planning process (EIA) and the long term management of these spaces.  Note: This is now moving to be more about long term management and maintenance - and likely to be dealt with via s106	Delivery Coordination Board	YCP Working Group	Feasibility/ Viability	Governance & Management	Current	3	2	9	L	On-going	(1) Headline consideration a part of the planning application and MOU (2) Further detailed strategy to be considered as part of Delivery Strategy post planning .	YCP (IG / MS)	02-Sep-19	Y	3	2	9	L
PAR21 Feb-18	Cycle and Pedestrian Permeability	Inability to agree a future cycle/ pedestrian route as an alternative to Leeman Road.	Challenge through consultation/ determination period - Delay to programme, submission dates and funding milestones. NRM objective of bringing the museum together not met.	Delivery Coordination Board	AY (CJ)	Scope	Legal & Regulatory	Current	3	4	19	H	On-going	(1) Additional focus on resolving these matters emphasised within the LPA meetings. (2) Meeting held with LPA to explain the details of permeability through the NRM, quality of alternative routes and impact on times and distances for peds and cyclists. (3) Resolution to grant OPA secured subject to s106 agreement and conditions, and outcome of stopping up order process. (4) Consideration to be given of new administration priorities and views not withstanding the OPA that has been approved. (5) Focus to be maintained on the quality of the proposed alternative route as part of the stopping up order process (note below).	YCP (JP) AY Planning (CJ)	02-Sep-19	Y	3	4	19	H
PAR23 (a) Feb-18	Design quality - Public Realm	Risk that design quality benchmarks required by City Planners are not affordable or affect viability	Potential to delay planning application, prolonging determination period and threaten securing planning approval.	Delivery Coordination Board	AY (CJ)	Feasibility/ Viability	Financial & Efficiency	Current	3	4	19	H	On-going	(1) Continue regular dialogue of CYC Planners to understand requirements and ensure Design Guide addresses concerns. (2) Ensure Project Board have visibility of progress and emerging issues. (3) Above steps completed and Design Guide agreed as part of the OPA. (4) Resolution to grant OPA secured subject to s106 agreement, conditions and referral to SoS. (5) Each RMA submitted will be required to be accompanied with a Design Guide Compliance Statement. (6) Linkage to and consideration of budget is to be maintained throughout - nothing contained in any compliance statement is to be unaffordable.	AY Planning (CJ)	02-Sep-19	Y	2	2	8	L
PAR23 (b) Feb-18	Design quality - Buildings	Risk that design quality benchmarks in connection with sustainability required of City Planners are not affordable or affect viability	Potential to delay planning application, prolonging determination period and threaten securing planning approval.	Delivery Coordination Board	AY	Feasibility/ Viability	Financial & Efficiency	Current	3	4	19	H	On-going	(1) Continue regular dialogue of CYC Planners to understand requirements and ensure Design Guide addresses concerns. (2) Ensure Project Board have visibility of progress and emerging issues. (3) Above steps completed and Design Guide agreed as part of the OPA - Resolution to grant OPA secured subject to s106 agreement, and conditions. (4) Each RMA submitted will be required to be accompanied with a Design Guide Compliance Statement.	AY Planning (CJ)	20-Dec-19	Y	2	2	8	L

Risk Identification									Pre-mitigation * CYC Scoring Matrix				Risk Management					Post-mitigation * CYC Scoring Matrix			
Risk Number	Risk Title	Risk Detail	Implications (Consequence)	Board Responsibility (YCP Delivery Coordination Board or Infrastructure Delivery Board)	Risk/ Owner Champion	YCP Category	CYC Category	Imminence/ status Current/ Future/ Closed	Likelihood	Impact	Gross Score	Gross Rating	Management Strategy/ Progress	Controls / Management Actions Planned	Action Owner	Action Completion Date (or associated milestone)	Actions On Target	Likelihood	Impact	Net Score	Net Rating
PAR27 Feb-18	Project Team Performance	Structural changes to the Project Technical Team impact project cohesion and programme momentum.	Breakdown of project team and loss of project momentum. All short to medium terms milestone are not achieved. Project incurred significant abortive and re-engagement costs.	Delivery Coordination Board	YCP	Management	Governance & Management	Current	2	4	18	H	On-going	(1) Performance to be monitored in accordance with current practices, with review in connection with emerging workstreams as they progress and in particular we the project transitions into delivery. (2) New working practices established. (3) Ongoing performance monitoring and collaboration. (4) AY continue to be engaged following Project Assurance Review, subsequent PM & Assurance Support function and later expanded PM & Assurance Support role. (5) AY engaged in the role of Planning Agent on the RMA. (6) Slowing of pace on ARUP RMA work to control performance and spend.	YCP (DW) Arup (RB) AY (BC/WN)	02-Sep-19	Y	2	3	13	M
PAR28 Feb-18	Project Management	Poor management of Project Execution Plan (PEP) and failure to deliver PEP deliverables - e.g. individual project briefs, monthly MS project updates, meeting regime and risk management activity.	Lack of team coordination and progress. Programme delay and poor alignment of workstream activity. Loss of leadership confidence and delivery confidence.	Delivery Coordination Board	Arup	Management	Governance & Management	Current	4	3	15	M	On-going	(1) Re-establish PEP deliverables - Arup monthly reporting has been re-activated. (2) Agree strategy/ templates for programme, cost and risk reporting - to YCP and to Project Board. (3) AY engaged to undertake Project Assurance Review, subsequent PM & Assurance Support function and later expanded PM & Assurance Support role coordinated with and expanded AY Planning Support role (OPA and RMA).	YCP (DW) Arup (RB) AY (BC/WN)	02-Sep-19	Y	4	3	15	M
PAR30 Feb-18	Strategic Leadership	Poor Technical Team performance due to lack of strategic leadership and management.	Poor team performance and workstream slippage. Lack of transparency across the technical team. Breakdown of Arup supply chain relationships. Loss of client confidence. Poor interface with YCP working group and Project Board.	Delivery Coordination Board	Arup	Management	Governance & Management	Current	3	4	19	H	On-going	(1) YCP and Arup performance review meeting held November 2017. (2) New working practices established. (3) Ongoing performance monitoring and collaboration. (4) Improvement client and technical team engagement and visibility - also at Project Board level. (5) AY engaged to undertake Project Assurance Review, subsequent PM & Assurance Support function and later expanded PM & Assurance Support role coordinated with and expanded AY Planning Support role (OPA and RMA). (6) Establish Roles And Responsibilities session to ensure all parties are clear on another's roles and responsibilities. (7) Above steps implemented - Arrangements currently in transition - this risk and mitigation steps still apply to current RMA workstream and infrastructure. (8) Reinforcement of line of communication/instructions from Partnership/CYC via MH.	YCP (DW) Arup (RB) AY (BC/WN)	02-Sep-19	Y	3	3	14	M
PAR31 Feb-18	Strategic Leadership	Lack of engagement/ positive and constructive interaction between Arup team and YCP Board. During previous phases of the project, the Arup team have had greater opportunity to engage with YCP Board members.	Lack of confidence and trust in the performance of the Arup team. Excessive 'distance' from Board decision making and confirmation of instructions.	Delivery Coordination Board	YCP Board	Management	Governance & Management	Current	2	4	18	H	On-going	(1) Agree strategy to allowance greater interaction between Arup team and Project Board - ahead of key milestones, key presentations, occasional attendance from Board members at DTM (2) Arup involvement in Board sessions working well, possible benefit in establishing an additional debate forum where necessary - to be considered. Primary focus is to ensure instructions are clear and understood along with the importance of milestones on key decisions. (3) Increase delegated authority for YCP. (4) Arrangements in transition - this risk still applies to current workstreams of RMA and Infrastructure Works.	YCP (DW)	02-Sep-19	Y	2	3	13	M
PAR32 Feb-18	Site utilities	The is currently a lack of understanding regarding the extent of utilities on the site. (not getting utilities to site)	Delay to programme, submission dates and funding milestones.	Infrastructure Delivery Board	Arup	Site	Stakeholder	Current	1	4	12	M	On-going	(1) Trigger survey work as dictated within the master programme - ongoing. (2) Continue to engage, Arup have completed their related work, there are utilities, there is concern around new capacity - Completed as part of strategy work. (3) Arup to present current progress and next steps including utilities strategy - complete. (4) Much work completed and much improved understanding around strategy.	YCP (DW) Arup (PW)	02-Sep-19	Y	1	4	12	M
RR01	Sustainability Approach Inconsistencies	Risk that the sustainability aspirations of the scheme driven by CYC are not met - exemplar sustainability aspirations not sufficient	Further to the submission of the OPA, potential changes due to revised thinking from the new administration and increased/revived scrutiny. Full Council Member identifying needs/demands which are not met. Prolongation of period leading up to submission of RMA, prolonged determination period and threat to securing RMA planning approval.	Delivery Coordination Board	Arup	Feasibility/ Viability	Financial & Efficiency	Current	1	5	17	H	On-going	(1) Continue regular dialogue of CYC Planners to understand requirements. (2) Ensure Project Board have visibility of progress and emerging issues. (3) Resolution to grant consent in place subject to sustainability discussion and priorities of new administration (along with s106 agreement and conditions).	AY Planning (CJ)	02-Sep-19	Y	3	3	14	M
RR04	Judicial Review	Risk that the application(s) could be challenged during the Judicial Review period. Linked with PB01 (a) above.	Heightened risk of challenge during JR period. Costs associated with JR. Risk of OPA permission being quashed. Full benefits not realised. Delay to delivery and loss of funding.	Delivery Coordination Board	Working Group (JP/CJ)	Planning/ Consents	Legal & Regulatory	Current	3	4	19	H	On-going	(1) Continue with robust mitigations set out above - Complete (2) Undertake health check of ES - Complete (3) Monitor and respond as necessary during the JR period.	YCP (JP) AY Planning (CJ)	02-Sep-19	Y	3	4	19	H
RR05	Spot Building Listing.	Risk that applications could be submitted to spot list buildings on site in response to planning submissions.	Fundamental block on the development of specific buildings/areas (Freightliner Depot and ramp up to coal drops). Impact on viability and programme.	Delivery Coordination Board	Working Group (JP/CJ)	Planning/ Consents	Legal & Regulatory	Current	1	4	12	M	On-going	(1) Applications for exemption certificates / Certificates of Immunity for the subject buildings/areas progressed but frustrated by resource matters within Historic England. (2) Parameter plans agreed as part of the OPA which show buildings to be demolished. (3) Matter to be monitored. (4) Historic England have received a request to list the Mess Room building (adjoining the rear of the Bull Nose Building) - to be monitored - NRM to engage as building owner.	YCP (JP) AY Planning (CJ)	02-Sep-19	Y	1	2	2	VL
RR06	Bridge Agreement - Statutory Consents	Risk that the bridge agreement required for the scheme cannot be agreed/put in place within the necessary timescales.	Risk of concerns being raised by the Environment Agency leading to potential delay. Environment agency concerns - various. Delay to Programme Loss of funding	Infrastructure Delivery Board	CYC (GF)	Planning/ Consents	Legal & Regulatory	Current	3	3	14	M	On-going	(1) CYC and Highway Consultant team engagement with NR Asset Protection team re bridge design in accordance with standard Highway Authority/NR design processes. (2) CYC to seek ongoing updates on progress from Arup. (3) Preparations and documents are in place in preparation ahead of following due process. (4) Delivery team now owners of this risk and action - to be managed by GF/MH.	CYC (GF/MH)	04-Oct-19	Y	2	2	8	L
RR07	Dependencies on Station and Western Access	Dependencies on ownership of station and western access. Rail industry consent for access to west of station. Car park and works to cinder lane area.	Lack of progress on site infrastructure Failure in place-making	Delivery Coordination Board	NR (MS)	Planning/ Consents	Legal & Regulatory	Current	3	3	14	M	On-going	(1) Early design work on station dependent on securing design work funding. (2) Station Change discussions with Station Facility Owner and Beneficiaries to commence once sufficient design detail available.	NR (MS)	02-Sep-19	Y	3	3	14	M



Risk Identification									Pre-mitigation * CYC Scoring Matrix				Risk Management					Post-mitigation * CYC Scoring Matrix			
Risk Number	Risk Title	Risk Detail	Implications (Consequence)	Board Responsibility (YCP Delivery Coordination Board or Infrastructure Delivery Board)	Risk/ Owner Champion	YCP Category	CYC Category	Imminence/ status Current/ Future/ Closed	Likelihood	Impact	Gross Score	Gross Rating	Management Strategy/ Progress	Controls / Management Actions Planned	Action Owner	Action Completion Date (or associated milestone)	Actions On Target	Likelihood	Impact	Net Score	Net Rating
RR08	Diversion of Cinder Lane.	Public right of way on Cinder Lane to be diverted to new alignment through site	Failure to develop out plots in agreed alignment.	Delivery Coordination Board	NR (MS)	Planning/ Consents	Legal & Regulatory	Current	3	3	14	M	On-going	(1) Ensure diversion forms an element of Outline Planning Application - Complete. (2) Resolution to Grant OPA secure subject to s106 agreement and conditions - Alignment of road secured under the parameter plans.	AY Planning (CJ/ CA)	02-Sep-19	Y	3	3	14	M
RR09 (a)	HS2 Challenge (Platforms)	Risk of challenge from HS2 in connection with HS2 requirements for new platforms 12 & 13.	Prolongation of determination of planning applications.	Delivery Coordination Board	NR (MS)	Stakeholder	Stakeholder	Current	1	3	6	L	On-going	(1) To be tested to ensure sufficient land safeguarded with LC7 consultation for land at location in Nov 2018. (2) MS has seen a revised alignment that is more beneficial, NR to confirm if alignment is agreed by Industry - will then be able to sign off and use this as the basis for design moving forward.	NR (MS)	02-Sep-19	Y	1	3	6	L
RR09 (b)	HS2/TFN Challenge (Bridge Footprint/Track Alignment)	Risk of challenge from HS2 or TFN in connection with proposed new bridge alignment and future access plans to train stabling (York Yard North)	Prolongation of determination of planning applications.	Delivery Coordination Board	NR (MS)	Stakeholder	Stakeholder	Current	1	5	17	H	On-going	(1) Review and response to queries raised by HS2 (2) MS has seen a revised alignment that is more beneficial, NR to confirm if alignment is agreed by Industry - will then be able to sign off and use this as the basis for design moving forward.	NR (MS)	02-Sep-19	Y	1	5	17	H
RR10	New Severus Bridge Landing Point.	The area of land required to position the new bridge landing point is in Poppeleton Road Primary School grounds possibly requiring a S77 notice to be served.	Programme delay - S77 notice period/process could take 9-10 months leading to a need to proceed at risk awaiting consent from DfE.	Infrastructure Delivery Board	CYC (DW)	Site	External	Current	3	3	14	M	On-going	(1) Issue of ownership resolved - Exec Approval given on 30 August to transfer land to Highways responsibility - agreed. (2) Bridge and landing point now subject to planning approval (RMA)	CYC (DW)	02-Sep-19	Y	2	2	8	L
RR11	ORR General Consent for bridge spans (Severus Bridge and Wilton Rise Bridge)	Risk that third party consent for construction of new bridge spans over railway not obtained	Programme delay should consent not be provided; knock-on impact on completion of Bridge Agreement between Network Rail and CYC.	Delivery Coordination Board	NR (MS)	Planning/ Consents	Legal & Regulatory	Current	1	3	6	L	On-going	Network Rail to engage with ORR to secure consent through standard process.	NR (MS)	04-Oct-19	Y	1	3	6	L
RR12	Network Rail approval for Holgate Beck re-culverting	Risk that consent for re-culverting of the Holgate Beck, as a Network Rail Asset, is not obtained due to Arup/CYC not progressing in timely fashion and/or NR delay in approval processes.	Programme delay should consent not be provided prior to construction works	Delivery Coordination Board	CYC (GF)	Planning/ Consents	Legal & Regulatory	Current	3	4	19	H	On-going	(1) Arup/CYC to prepare for and progress Form 1/Form 2 approval processes. (2) Standard Network Rail approval process to be followed. (3) Issues to be escalated through CYC/YCP and NR governance structures as required. (4) CYC ownership of culvert to be explored.	CYC (GF/MH)	02-Sep-19	Y	2	3	13	M
RR13	Network Rail approval for works to Leeman Road Tunnel	Risk that consent for works to the Leeman Road Tunnel, as a Network Rail bridge asset, is not obtained	Programme delay should consent not be provided prior to construction works	Delivery Coordination Board	NR (MS)	Planning/ Consents	Legal & Regulatory	Current	3	3	14	M	On-going	(1) Risk is delay by NR in dealing with Form 1/Form 2 approval processes. (2) Risk needs to be added to Register re Arup/CYC not progressing in timely fashion and hence need to provide programme for approvals. (3) Standard Network Rail approval process to be followed. (4) Issues to be escalated through YCP and NR governance structures as required.	NR (MS)	02-Sep-19	Y	2	2	8	L
RR14	Network Rail approval for Station Western Entrance	Risk that station change approval is not secured from the rail industry due to NR not providing resources to approve designs in a timely fashion.	Programme delay should consent not be provided prior to construction works	Delivery Coordination Board	NR (MS)	Planning/ Consents	Legal & Regulatory	Current	3	3	14	M	On-going	(1) Network Rail engaged to determine information required for securing approval dependent on securing design work funding. (2) Detailed design of proposed upgrades to tunnel to be undertaken in consultation with NR and rail industry stakeholders to commence once sufficient design detail available. (3) Early feasibility work on layout completed by A&M. (4) Standard Network Rail approval process to be followed (5) Issues to be escalated through YCP and NR governance structures as required.	NR (MS)	02-Sep-19	Y	2	3	13	M
RR15	Environment Agency Land Drainage Consent	Risk that EA consent for re-culverting of the Holgate Beck, as a 'Main River', is not obtained	Programme delay should consent not be provided prior to construction works	Infrastructure Delivery Board	Arup	Planning/ Consents	Legal & Regulatory	Current	2	4	18	H	On-going	(1) Detailed design of proposed re-culverting to be undertaken (2) Early engagement with EA to be held to de-risk the approval process (3) Principle established in the resolution to grant OPA. (4) Standard EA process to be followed.	Arup (PW)	02-Sep-19	Y	2	3	13	M
RR16	Utility company approvals	Risk that NRSWA C4 Detailed Quotations are not available for diversion of existing utility apparatus	Programme delay should quotations not be available at the point of awarding a construction contract	Infrastructure Delivery Board	Arup	Programme	Legal & Regulatory	Current	1	3	6	L	On-going	(1) C4 Detailed Quotations to be requested in tandem with the detailed design process and provided to tenderers for construction contracts - In progress	Arup (PW)	02-Sep-19	Y	1	2	2	VL
RR17	Car parking provision (Interim)	Risk that sufficient car parking is not available for railway station and NRM usage	Revenue risk to both Network Rail and NRM due to decreased patronage and visitor numbers; potential breach of station franchise agreement	Delivery Coordination Board	Arup	Site	Financial & Efficiency	Current	2	4	18	H	On-going	(1) Temporary car parking proposals to be developed and temporary planning consent secured through detailed/RMA planning application(s).	Arup (PW)	02-Sep-19	Y	1	4	12	M
RR18	Main Contractor Insolvency	Risk that once appointed the contractor goes into administration	The tender process requires re-starting/negotiating	Infrastructure Delivery Board	Delivery Team and CYC	Stakeholder	Financial & Efficiency	Current	1	4	12	M	On-going	(1) Robust financial checks to be carried out on tendering contractors. Performance Bond and Parent Company Guarantee to be in place before start on site.	Delivery Team and CYC	02-Sep-19	Y	1	4	12	M
RR19	Exceptionally adverse weather delays programme	Risk that once on site works are delayed by exceptionally adverse weather	Delay to programme and costs incurred by client for main contractor delay	Infrastructure Delivery Board	Delivery Team and CYC	Site	Financial & Efficiency	Current	2	2	8	L	On-going	(1) Robust drafting of contract terms and conditions to place risk of weather with Contractor - complete in Stage 1 tender documents. (2) Rail possessions are key focus for weather risk. Bridges designed as a "kit of parts" erected during a number of short, night-time possessions. This approach is more flexible - i.e. possessions can be relatively quickly re-organised in an extreme weather event.	Delivery Team and CYC	02-Sep-19	Y	2	2	8	L

Risk Identification									Pre-mitigation * CYC Scoring Matrix				Risk Management					Post-mitigation * CYC Scoring Matrix			
Risk Number	Risk Title	Risk Detail	Implications (Consequence)	Board Responsibility (YCP Delivery Coordination Board or Infrastructure Delivery Board)	Risk/ Owner Champion	YCP Category	CYC Category	Imminence/ status Current/ Future/ Closed	Likelihood	Impact	Gross Score	Gross Rating	Management Strategy/ Progress	Controls / Management Actions Planned	Action Owner	Action Completion Date (or associated milestone)	Actions On Target	Likelihood	Impact	Net Score	Net Rating
RR20	Industrial action	Risk that industrial action is called by a union whilst works on site	Delay to programme and costs incurred by client for main contractor delay	Infrastructure Delivery Board	Delivery Team and CYC	Site	Financial & Efficiency	Current	1	2	2	VL	On-going	(1) Robust drafting of contract terms and conditions particularly around industrial action risks and passing the risk to the main contractor - complete in Stage 1 tender documents	Delivery Team and CYC	02-Sep-19	Y	1	2	2	VL
RR21	Resource/labour not available	Risk that insufficient resources are available for the contractor to deliver the works	Delay to programme and funding spend profile	Infrastructure Delivery Board	Delivery Team and CYC	Site	Financial & Efficiency	Current	2	3	13	M	On-going	(1) Ensure drafting of tender documents quality section covers resourcing and planning - complete in Stage 1 tender documents	Delivery team and CYC	02-Sep-19	Y	1	3	6	L
RR22	Failure of tender process	Risk that selected contractor fails to perform with the given procurement stage triggering the need to recast the project and re-procure.	Delay to programme and funding spend profile	Infrastructure Delivery Board	Delivery Team and CYC	Site	Financial & Efficiency	Current	2	3	13	M	On-going	(1) Ensure contractors are engaged with and aware of timescales of the tender process. Early contractor engagement/discussions - Complete (2) 4 Stage1 tenders received, one conditional, tender report and recommendation complete, confirmation to successful and unsuccessful tenderers pending.	Delivery team and CYC	02-Sep-19	Y	1	3	6	L
RR23	Stopping up of Leemann Road	Risk that the Stopping Order is not approved	NRM Central Gallery cannot be delivered and land is not transferred to Homes England to delivery housing.	Infrastructure Delivery Board	YCP/Homes England	Planning/ Consents	Legal & Regulatory	Current	3	4	19	H	On-going	(1) Appointment of specialist consultant to provide/prepare a clear strategy and to manage the process to a successful conclusion. - SCP Appointed. (2) Targeting DfT enquiry decision October 2020 - achieving the October 2020 target date rests on the OPA decision notice being issued in July 2019 - If we don't get the Stopping Up order decision by October 2020, it is likely to lead to delay / cost increases on IP1 and IP2. (3) Review and respond to advice around when there will be certainty around the success of the SUO or otherwise and prepare for an alternative strategy.	Working Group (TD)	02-Sep-19	Y	1	4	12	M
RR24	GSMR mast relocation	Risk of not securing vacant possession of land within alignment of new ECML bridge	Effect on programme for ECML road bridge construction	Infrastructure Delivery Board	NR (MS)	Programme	Stakeholder	Current	3	3	14	M	On-going	(1) New mast site to be established - identified - final report due to be circulated. (2) Programme to be prepared for relocation once mast site established.	YCP (MS)	02-Sep-19	Y	2	2	8	L
RR25	Diversion of Sidings	Risk of not securing vacant possession of land within alignment of new ECML bridge	Effect on programme for ECML road bridge construction	Infrastructure Delivery Board	NR (MS)	Programme	Stakeholder	Current	3	3	14	M	On-going	(1) Network Change for new sidings alignment to be submitted - Concluded (2) Programme for works to remove OLE to be established - In progress (3) Programme for works to re-align sidings to be established - In progress	YCP (MS)	02-Sep-19	Y	2	2	8	L
RR26	Public Engagement for RMA	There is a risk that the planning consultation is inadequate and does not support the road in principle or the design solution.	The programme cannot tolerate and slippage and therefore there is a high risk of delay to programme, planning submission dates and funding milestones.	Infrastructure Delivery Board	YCP Working Group	Stakeholder	Stakeholder	Current	2	2	8	L	On-going	(1) YCP intend to engage with the local community at the appropriate time to communicate details of the scheme. A scope and programme of engagement has been prepared with dates to be agreed (post-OPA decision)+W49. - Subject to review. (2) Review outstanding commitment to consult York Blind & Partially Sighted Society and an early design stage. (3) Engagement in connection with Wilton Rise bridge also to be considered.	YCP (KA/DW)	02-Sep-19	Y	1	2	2	VL
RR28	YorCivils Lot 4 Value Threshold	Risk that the total value of works intended to be delivered through Lot 4 exceeds the maximum allowable value.	Procurement/programme delay, reduction of intended infrastructure scope, potential impact on funding business cases.	Infrastructure Delivery Board	Delivery Team and CYC	Management	Legal & Regulatory	Current	3	3	14	M	On-going	(1) Review and update cost plan on the basis of package intent across IP0, IP1, IP2 & IP2+ in order to validate total works value against Lot 4 value and seek assurances from CYC procurement and YorCivils team - Complete (2) Monitor against final tender sums returned from the preferred contractor - Stage 1 tender complete and within reasonable tolerance at this stage - monitor through PSC process and stage 2 process on IP1 and IP2.	Delivery Team and CYC	01-Nov-19	Y	2	2	8	L
RR 29	YorCivils Successor Framework	Risk that the contractor selected to deliver IP0, IP1, IP2 & IP2+ is not successful in securing a place on the YorCivils successor framework which is due to be established during 2019.	Procurement/programme delay. Re-procurement of contractor to progress forward under a new PSC and onward delay in the development of Stage 4 design/pricing of works through to approval, contract award and start on site.	Infrastructure Delivery Board	Delivery Team and CYC	Management	Legal & Regulatory	Current	3	3	14	M	On-going	(1) Close liaison with YorCivils to monitor progress of the framework procurement process.	Delivery Team and CYC	02-Sep-19	Y	2	2	8	L
RR30	General Election	Risk that a General Election may be called during 2019	Impact on subsequent RMA planning committee decision making influenced by political environment whether as a result of a general or local election. Delay to procurement decision making/sign off/commitment timescales. Delay in funding decision making for Hf and Homes England's ability to sign up to the Partnership. Delay to delivery phase of c3 months (minimum) and potential impact/loss of funding.	Delivery Coordination Board	Delivery Coordination Board	Stakeholder	Legal & Regulatory	Current	3	5	23	VH	On-going	Monitor and respond to the political environment.	YCP Working Group	02-Sep-19	Y	3	5	23	VH
RR32	ECML Bridge - Stainless Steel fabrication	Risk that whilst, delivering a zero maintenance solution, there are significant challenges in a) identifying a fabricator to fabricate and erect the stainless steel structural elements over the railway and b) the cost implications due to shortage of competition.	Delay to programme Potential requirement for re-redesign.	Infrastructure Delivery Board	Delivery Team and CYC	Feasibility/ Viability	Financial & Efficiency	Current	3	3	14	M	On-going	(1) Arup technical paper prepared for review by CYC - decision on most appropriate way forward to be taken with the benefit of technical/market intelligence forming the basis of the report. (2) Contractors are understanding of the issue and the 'ECI' in the procurement process with help develop the most appropriate material and method.	Delivery Team and CYC	02-Sep-19	Yes	3	3	14	M
RR33	Land - Gaps in Title	Risk that the identified gaps in title identified remain unresolved.	Challenges around being able to progress and conclude s106 matters. Challenge around the preparation and issue of a 'clean' licence to occupy the CYC and the infrastructure contractor to undertake the works.	Delivery Coordination Board	Delivery Coordination Board	Site	Legal & Regulatory	Current	1	3	6	L	On-going	(1) Review and reaction in response to Summary Note' document prepared by DIA and issued by Network Rail. (2) HE are now down to one small gap to review and conclude. (3) Further consideration to be given to how gaps are dealt with where crucial to the s106 agreement, and subsequent plot delivery.	YCP Working Group (MS)	02-Sep-19	No	1	3	6	L
RR34	Brexit Risk	Risk that increased in tariffs and supply chain pressure/limitation affects the cost and supply of materials for the project.	Increased costs and availability/programme challenges/timescales	Delivery Coordination Board	Delivery Coordination Board	Site	Financial & Efficiency	Current	2	2	8	L	On-going	(1) Consideration of bidding contractors views on acceptance or sharing of Brexit related tariff and supply chain risks in the contract terms - completed as part of Stage 1 tender process. (2) Adapt contract clauses to suit reasonable risk apportionment - Completed as part of Stage 2 tender process - acceptance of tariff increases as a client risk on an open book basis.	CYC (CM)	02-Sep-19	Y	2	2	8	L

<b>Project title</b>	York Central
<b>Reporting period</b>	September 2019
<b>Description</b>	
<p>York Central is a key strategic development site for economic growth and housing delivery for the city. The majority of the land is in the ownership of Network Rail and Homes England. CYC have a role to play in de-risking the site and accelerating delivery with public sector partners. In recent months, the site and the opportunity it presents have been positioned at all levels of Government as a priority site for support to enable delivery of locally-led regeneration and development schemes. The capacity for the site to contribute to the achievement of the local plan housing targets is also a key consideration.</p>	
<b>Current status</b>	
<b>AMBER</b>	
<p>The Outline Planning Application was approved by Planning Committee in March 2019. The Reserved Matters Application for phase 1 infrastructure is being prepared and will be submitted in late December 2019.</p> <p>Procurement by CYC of infrastructure delivery partners is progressing with tender documents issued in February, 4 tender returns were received in April 2019, seeking to appoint for PCS in September 2019.</p> <p>The WY+TF Full Business Case (having been conditionally approved by WYCA.</p>	
<b>Future outlook</b>	
<p>The Outline Planning Application was approved by Planning Committee in March 2019. The Reserved Matters Application for phase 1 infrastructure is being prepared and will be submitted in late January 2020.</p> <p>Procurement by CYC of infrastructure delivery partners is progressing with tender documents issued in February, 4 tender returns were received in April 2019, further to approval of funding release by Executive in July 2019, Preconstruction Service Contract to commence September 2019.</p> <p>The WY+TF Full Business Case (having been conditionally approved by WYCA PAT), was approved by the Investment Committee in March. The HIF FBC is in 'clarification' stage, funding decision expected in Autumn 2019</p>	

<b>Key risks</b>			
<b>Risk (brief description/ consequence)</b>	<b>Control/action</b>	<b>Gross</b>	<b>Net</b>
<p>Off plot infrastructure costs are unaffordable, driven by construction cost inflation, professional fees, abnormal costs and funding shortage.</p> <p><b>Consequences</b> Development does not come forward</p>	<ol style="list-style-type: none"> <li>1. Infrastructure scheme devised to match available budget</li> <li>2. Review of funding programmes and opportunities to aid viability of scheme</li> </ol> <p><b>Actions</b></p> <ol style="list-style-type: none"> <li>1. Resourcing of controls</li> </ol>	23	14
<p>IP2 Feasibility (Millennium Green Land)</p> <p>- The proposed infrastructure to access the site is not feasible due to adverse reaction and inability to agree terms with Millennium Green Trustees.</p> <p><b>Consequences</b> Changes to lease agreement required/unable to form an agreement.</p>	<ol style="list-style-type: none"> <li>1. Early 'positive' dialogue and maintained communication between the Millennium Green Trustees and Working Group.</li> <li>2. Decision made by CYC Exec to proceed with a western access option (A2) - alignment that does not require MG land (other than reserved land).</li> <li>3. Legal advisors review of position of Village Green application not being determined and Millennium Green lease.</li> <li>4. Counsel opinion sought and provided on most suitable strategic way forward (MG/Charities Commission negotiation/CPO/alternative alignment).</li> <li>5. All terms agreed with MG trustees prior to outline planning submission. Agreement with MGT signed</li> <li>6. Significant delay due to HIF decision may require amendment to the timescales set out in the agreement</li> </ol> <p><b>Actions</b></p>	24	2

	Continued resourcing of the identified control measures.		
<p>HIF - Infrastructure Funding and appetite - Inability to secure all/ some identified HIF infrastructure funding due to:</p> <p>a) Delivery timescales</p> <p>b) Business case assessment</p> <p><b>Consequences</b> Scheme does not proceed.</p> <p>Delayed and/or disjointed development of the site.</p> <p>Increased costs attributed wider funding streams.</p> <p>Full benefits not realised.</p> <p>Extended timescales for site delivery</p>	<ol style="list-style-type: none"> <li>1. The timely and appropriate resourcing of co-development work.</li> <li>2. Identify what infrastructure is needed and a strategy for how it will be funded in different funding availability scenarios.</li> <li>3. Resource HIF business case development process appropriately.</li> <li>4. Review infrastructure delivery programme and establish date by which RIBA stage 3 and Stage 4 will need to be instructed.</li> <li>5. Agree Governance Arrangements.</li> <li>6. Submission of planning application to assure on deliverability achieved.</li> <li>7. HIF application process has passed through the co-development phase and is now in due diligence</li> <li>8. Further dialogue with MHCLG re business case.</li> </ol> <p><b>Actions</b> Continued resourcing of the identified control measures.</p> <p><b>Update</b> HIF Bid Funding decision awaited Autumn 2019.</p>	23	22
<p>No availability of land for bridge landing point.</p> <p><b>Consequence</b> Failure to provide access road.</p>	<ol style="list-style-type: none"> <li>1. Response from Northern required confirming No Objection to disposal. No other outstanding responses or objections.</li> <li>2. Application for specific consent for disposal to be applied for once Northern response received.</li> </ol>	22	17

	<b>Actions</b> Continued resourcing of the identified control measures.		
<b>Reports to</b>	Executive, York Central governance structures,		
<b>Exec member</b>	Cllr Keith Aspen		
<b>Director responsible</b>	Neil Ferris – Corporate Director of Economy and Place		
<b>Dependencies</b>	Local Plan Policy, Economic Strategy, City Transport Policy external funding bids		
<b>Link to paper if it has been to another member meeting (e.g. executive, council, a scrutiny committee)</b>	<p>Executive December 2015 – York Central and Access Project  <a href="http://democracy.york.gov.uk/ieListDocuments.aspx?CId=733&amp;MId=8844&amp;Ver=4">http://democracy.york.gov.uk/ieListDocuments.aspx?CId=733&amp;MId=8844&amp;Ver=4</a></p> <p>Executive July 2016 – York Central  <a href="http://democracy.york.gov.uk/ieListDocuments.aspx?CId=733&amp;MId=9303&amp;Ver=4">http://democracy.york.gov.uk/ieListDocuments.aspx?CId=733&amp;MId=9303&amp;Ver=4</a></p> <p>Executive November 2016 - Consultation on access options  <a href="http://democracy.york.gov.uk/ieListDocuments.aspx?CId=733&amp;MId=9307&amp;Ver=4">http://democracy.york.gov.uk/ieListDocuments.aspx?CId=733&amp;MId=9307&amp;Ver=4</a></p> <p>Third party acquisitions  <a href="http://democracy.york.gov.uk/documents/s110392/York%20Central%20-%20Third%20Party%20Acquisition%20November%2016%20v7.pdf">http://democracy.york.gov.uk/documents/s110392/York%20Central%20-%20Third%20Party%20Acquisition%20November%2016%20v7.pdf</a></p> <p>Executive July 2017: Project and Partnership Update  <a href="http://democracy.york.gov.uk/documents/s115798/York%20Central%20U%20pdate.pdf">http://democracy.york.gov.uk/documents/s115798/York%20Central%20U%20pdate.pdf</a></p> <p>Executive November 2017 - Preferred Access Route and Preparation for Planning  <a href="http://democracy.york.gov.uk/documents/s118290/York%20Central.pdf">http://democracy.york.gov.uk/documents/s118290/York%20Central.pdf</a></p> <p>Executive March 2018 - York Central Access Construction  <a href="http://democracy.york.gov.uk/ieListDocuments.aspx?CId=733&amp;MId=10189&amp;Ver=4">http://democracy.york.gov.uk/ieListDocuments.aspx?CId=733&amp;MId=10189&amp;Ver=4</a></p> <p>Executive June 2018 – Masterplan and Partnership Agreement  <a href="http://democracy.york.gov.uk/documents/s124296/York%20Central%20Exec%20Masterplan%20and%20PA%20June%2018%20V7.pdf">http://democracy.york.gov.uk/documents/s124296/York%20Central%20Exec%20Masterplan%20and%20PA%20June%2018%20V7.pdf</a></p>		

	<p><b>Executive July 2018 – Clifford’s Tower Visitors Centre Update</b> <a href="http://democracy.york.gov.uk/documents/s124737/Cliffords%20Tower%20Exec%20report%20July%202018.pdf">http://democracy.york.gov.uk/documents/s124737/Cliffords%20Tower%20Exec%20report%20July%202018.pdf</a></p> <p><b>Decision Session – York Central Design Guidelines</b> <a href="http://democracy.york.gov.uk/documents/s125211/Report%20-%20York%20Central%20Design%20Guide.pdf">http://democracy.york.gov.uk/documents/s125211/Report%20-%20York%20Central%20Design%20Guide.pdf</a></p> <p><b>Executive August 2018</b> <b>York Central Update – Western Access</b> <a href="http://democracy.york.gov.uk/documents/s125516/York%20Central%20Update%20-%20Western%20Access%20V8.pdf">http://democracy.york.gov.uk/documents/s125516/York%20Central%20Update%20-%20Western%20Access%20V8.pdf</a></p> <p><b>Executive November 2018 – York Central Enterprise Zone investment Case</b> <a href="https://democracy.york.gov.uk/documents/s127174/York%20Central%20Exec%20-%20EZ%20Nov%2018%20v8.pdf">https://democracy.york.gov.uk/documents/s127174/York%20Central%20Exec%20-%20EZ%20Nov%2018%20v8.pdf</a></p> <p><b>Executive January 2019</b> <b>York Central Partnership Legal Agreement</b> <a href="https://democracy.york.gov.uk/documents/s129230/York%20Central%20Exec%20-%20PA%20Jan%2019%20v%2011.pdf">https://democracy.york.gov.uk/documents/s129230/York%20Central%20Exec%20-%20PA%20Jan%2019%20v%2011.pdf</a></p> <p><b>Executive July 2019</b> <b>York Central Partnership Update</b> <a href="http://modgov.york.gov.uk/ieListDocuments.aspx?CId=733&amp;MId=11107&amp;Ver=4">http://modgov.york.gov.uk/ieListDocuments.aspx?CId=733&amp;MId=11107&amp;Ver=4</a></p>
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## Agenda Item

CMT

Report of the Corporate Project Assurance lead

April 2019

### KEY FINDINGS AND RECOMMENDATIONS

<b>Project framework context</b>	
PC1	The project was identified as being in the Outline business case phase (so the Gateway review questions below are from the Outline Business Case Gateway).
PC2	<p>It was felt by the Gateway team that in the absence of a resolution on:</p> <ul style="list-style-type: none"> <li>i) Outline Planning call in decision;</li> <li>ii) Section 106 Legal agreements;</li> <li>iii) Planning determination;</li> <li>iv) Partnership agreement;</li> </ul> <p>The project was <b>not ready</b> to pass through this Gateway into the next phase.</p>
PC3	<p>There were also concerns around some of the deliverables in the next phase (Full Business Case) including:</p> <ul style="list-style-type: none"> <li>i) The scope of the infrastructure the partnership want CYC to deliver;</li> <li>ii) Communications plan for engagement, particularly with elected members;</li> <li>iii) The reserved matters infrastructure application determination;</li> </ul> <p>It was felt that even though these items formed part of the next phase, there was sufficient risk associated at this stage to warrant consideration and action.</p>

<b>Achievements</b>	
AC1	Agreement from landowners and stakeholders to proposals that unlock the site subject to funding
AC2	Full Business Case Approval of West Yorkshire Combined Authority Funding
AC3	Co Development stage of Housing Infrastructure Fund (HIF) Bid
AC4	Outline planning application submitted approved by planning committee and Central Government decided not to call in

<b>Risks</b>		
RK1	<p>It needs to be clear how the governance will operate now the Infrastructure project has been initiated. This includes how the project is structured, who is responsible for what elements of the project (design standards, architectural standards, decision making on design).</p> <p>There needs to be clear boundaries between the overarching project, the infrastructure project and the responsibilities of the council as the planning authority.</p>	<p>The new terms of reference to clarify the governance, including the separation between the overarching project and the infrastructure delivery element. This will also define the boundaries within the council's teams.</p> <p>The signing of the partnership agreement will also be key in the adoption of the governance model.</p> <p>The appointment of the Project Director will give more leadership of the overarching project.</p>
RK2	Expectations of the City that this is a statement on future of York is clear.	Make sure the YC project is keyed into the City branding work and that through engagement work there is a sense of what the expectation is for all the City's stakeholders.
RK3	In order to meet the Economic outcomes of the	Develop the Occupier Strategy.

	project, it needs to be clear what the strategy is for engaging with businesses and bringing them to YC. (control of outcomes)	
RK4	The financial narrative around the project needs to be clear to all partners.	Make sure this is clear in the partnership agreement and in project documentation
RK5	It should be agreed what happens if costs rise.	Must be tied into partnership agreement.
RK6	Executive must be aware of what CYC have agreed with partners.	Plan awareness sessions with Members.
RK7	CYC is unable to appropriately influence the partnership to achieve outcomes given that CYC is a minority land owner.	Must be tied into partnership agreement. Ensure that the project is performance managed against agreed outcomes.
RK8	CYC must be clear with partnership and set tight deadlines as project must keep moving forward.	CYC to provide list of tasks to be completed by Summer 2019.
RK9	New council administration who will need to be actively engaged to gain. Care must be taken to ensure new members input is well received.	Early engagement required with a detailed Communication plan. Hold information workshops to inform and install confidence. Risks must be understood by members and consequences of decision making.
RK10	Overall expectations of York City are enormous, project is seen as an expression of the future of York thereby the City needs to be involved.	Consider the Cultural Wellbeing Plan  Key to deliver of the local plan.
RK11	Challenge to how CYC on how to manage partnership engagement.	Engagement framework on how partners engage together. Consider possibility of an

		Engagement Coordinator for the partnership.
RK12	Who will ensure the outcomes will be achieved. Have CYC confidence that the flow of evidence in and out of CYC will enable executive to make informed decisions.	Must be tied into partnership agreement, but CYC's role will be about influencing the land owners.

<b>Issues</b>		
IS1	The Partnership agreement has not been signed. A number of key items are dependent on the partnership agreement.	Partnership agreement is going through partner organisation approval before being signed.
IS2	There is uncertainty over HIF funding	Partnership agreement and HIF funding must be in place before project progresses to Full Business Case.
IS3	There is not a clear plan in place for the land owners to develop their land if the current funding is not achieved.	1. Issue for the YC partnership to resolve
IS4	There is not a clear understanding of all the Major milestones both within the project and related.	Schedule to be developed and understood ie major decisions, purdah, elections, JR period, planning, procurement, etc
IS5	Mitigating actions must be kept up to date. It is important that the management of risks and issues are clear and transparent..	RAID up to date and regularly reviewed.
IS6	Framework not clear who is making decisions. CYC must have the ability to provide input into decisions	Must be tied into partnership agreement. CYC membership on the YC Strategic Board.

	no matter whose the decision is ie, design of homes commercial space, public realm etc. There is a risk that decisions or outcomes previously negotiated could be lost.	
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<b>Lessons</b>		
LL1	Infrastructure to be locked down as separate project	Infrastructure to be separate project
LL2	Mitigating actions must be kept up to date. May need as evidence if there are issues with the project.	RAID up to date and regularly reviewed.
LL3	Consultant produces and manages the master plan. CYC tasks and milestones are dependant and related to the partners tasks which makes it difficult to create a separate CYC plan.	Ensure a CYC plan is managed and up to date and that dependencies and the critical path are clearly understood and communicated..

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## ANNEX D6 - YORK CENTRAL REPORTS - SUMMARY OF DECISIONS

Date of Executive	Decisions	Reason
11 July 2006	That the revised timetable for the preparation of the York Central Area Action Plan be noted.	The appointment of a planning consultant to carry out this work is needed to deliver the shortened AAP programme.
	That the appointment of Nathaniel Lichfield & Partners to produce the Issues and Options document, and carry out public consultation related to this, be approved.	
	That the preparation of Interim Planning Guidance (IPG) be discontinued.	The need for IPG has been superseded by the production of the Issues and Options document.
12 September 2006	That the Executive's commitment to the development of the York Central site as quickly as practical and planning	N/A
	That the willingness of British Sugar to participate in a partnership arrangement which could lead to the complementary development of both their site and the York Central site be noted;	
	That, consequently, officers be instructed to move with all speed to prepare a joint area action plan covering both sites.	
	That the programme set out in the report for the preparation of the Area Action Plan and for its inclusion in the revised Local Development Scheme, having regard to the recommendations and amendments of the LDF Working Group, be noted.	

27 February 2007	That Officers be instructed to revise the programme, with the objective of bringing forward the milestone target for the completion of public consultation on the Aims and Options paper before the end of September 2007.	In order to produce a timely plan that is likely to be implemented, and thus ensure that the development of these important sites is not jeopardised by internal milestones.
	That Officers be requested to report back on how other parts of the timetable can be compressed.	
	That the Community Consultation Strategy for York Central, which will be taken into account in undertaking the public consultation relating to the York Northwest Area Action Plan, having regard to the recommendations and amendments of the LDF Working Group, be noted.	
30 March 2010	That the progress with York Northwest be noted and that the programme of work and indicative SPD process outlined in Annexes 1 and 2 to the report be approved (Option 2).	To ensure that the work being undertaken for York Northwest is progressed.
	That the planning framework for York Northwest be provided within the Core Strategy, with York Northwest identified as a zone of change and York Central and the former British Sugar sites identified as strategic sites (Option 2).	To ensure that the regeneration of both major development sites is delivered within an overarching framework and within anticipated time frames.
	That the preparation of supporting Supplementary Planning Documents for York Central and the former British Sugar site, and the preparation of a development framework for York Central, be agreed (Option 2).	To ensure that the regeneration of both major development sites is delivered within an overarching framework and within anticipated time frames.
03 April 2012	That the current and proposed work streams outlined in the report annex together with the overall programme to date be received and noted.	To continue to facilitate and deliver the development of the strategically important York Central site.
03 December 2013	That Cabinet approve the sale of Site A and purchase of Site C, as shown at Annex A of the report for the capital receipt as set out in Confidential Annex B.	To support corporate priorities with respect to jobs and economic growth, to enable the York Central project to progress and to provide capital receipts to fund the Council's capital programme.



15 December 2015	To instruct officers to take all necessary preparatory steps to proceed with Compulsory Purchase Orders (CPO) for all third party land on York Central, to be undertaken in parallel with a negotiated acquisition.	To complete the land assembly of the York Central site to ensure that a development scheme can be delivered.
	To delegate to the Leader the authority to agree the final purchase price, following a negotiated acquisition of land off Leeman Road, in advance of the potential initiation of CPO's, to be funded from the £10m set aside to support the delivery of York Central.	To complete the land assembly of the York Central site to ensure that the land required for key infrastructure is available and so a development scheme can be delivered.
	To agree an emerging York Central Planning Policy as part of the development of the Local Plan.	To inform the site allocation within the developing Local Plan.
	To agree to initiate an informal public consultation on the future development of the York Central site in order to inform the development of a formal Planning Framework.	To ensure public engagement in the ongoing development of plans for York Central.
	To endorse officers to negotiate a detailed partnership agreement with land owners and investors to jointly deliver the York Central Scheme and to bring this back to Executive for agreement.	To put in place effective partnership arrangements to ensure York Central is developed.
	To bring back to Members a funding strategy to deliver upfront infrastructure to facilitate development of the York Central site, setting out how any investment will be repaid from future retained business rates arising from the award of Enterprise Zone status and from development values from the York Central site.	To secure any investment made by the City of York Council.
	To undertake due diligence on the most appropriate corporate instruments for City of York Council to use to engage in developing a York Central Partnership and to bring this back to Executive as part of the proposal for a legally binding partnership.	To create robust delivery arrangements for the York Central project.

	To delegate the Chief Executive, in consultation with the Leader and Deputy Leader the agreement of the procurement of advisors for the partnership.	To provide the partnership with a range of professional advice specifically focussed in the long term benefit interests of the partnership
14 July 2016	That the responses to the informal consultation on "Seeking your views to guide development" be noted.	To ensure issues raised from the consultation are taken account of in developing the Planning Framework SPD.
	That the approach to establish a York Central Community Forum as an integral part of the consultation process for the site be noted.	To ensure the views of the local community are represented
	That the progress over the past six months to inform the emerging York Central Planning Policy and deliver the York Central site be noted.	To ensure that a development scheme for the York Central site can be delivered.
	That a loan of £2.55m from Leeds City Region (LCR) Local Growth Fund as an element of the funding proposals for York Central be agreed in principle.	To enable timely progress on the York Central project.
	That the Director of Customer and Business Support Services, in liaison with the Leader, be delegated to agree the terms for a Funding Agreement with Leeds City Region (LCR) Local Enterprise Partnership (LEP).	
That a further draw down from the £10m allocation of £0.55m be agreed in order to fund the immediate site preparation works outlined in the report.		
24 November 2016	To take up the West Yorkshire Transport Fund (WYTF) funding allocated for York Central and to confirm that the York Central access route will be part funded by CYC	To ensure the delivery of York Central
	To undertake further consultation on the access route for York Central as part of a future York Central planning strategy, with high level, ongoing engagement across the City in relation to the access route, with particular regard being given to residents most directly affected	To ensure that a range of access options have been considered

	Subject to the council agreeing to join the West Yorkshire Transport Fund, to agree to fund the access route definition and design outlined in the report from the £2.15 WYTF Gateway 1 allocation	To enable timely progress on the York Central project
	To note the appointment of Development and Technical Advisors to develop a detailed planning strategy for the York Central Partners	To ensure that a development scheme for the York Central site can be delivered
18 May 2017	The new policy at Annex A of the report for discretionary rate relief for those businesses hardest hit by the business rate revaluation as set out in the Government Spring Budget 2017	To provide a transparent process for awarding discretionary rate relief and supporting local businesses
	The new policy at Annex B for business rate relief in respect of the York Central Enterprise Zone	To provide a transparent process to encourage businesses to relocate to the Enterprise Zone and grow the York economy
	That minor changes can be made (Paragraph 22 of the report) to either policy (Annex A & B) by the Director of Customer & Corporate Services in consultation with the Executive Member for Finance & Performance	To provide flexibility to amend either scheme quickly if required without fundamentally altering the purpose of the policies
13 July 2017	Notes the plan for the York Central Partnership to undertake public consultation on access options and the master plan which will lead to the submission of outline and detailed planning applications	To ensure the delivery of York Central and to ensure that a range of access options have been considered
	Agrees to receive a further report in October setting out the York Central Partnership proposed master plan including a recommended access option and presenting the formal YCP partnership agreement for Executive to consider	
	Recommends to Council that a budget of £37.4m be approved for the York Central Transport improvements funded from the West Yorkshire Plus Transport Fund grant	

<p>That the recommendation of the York Central Partnership (YCP) - to develop a Western access option for inclusion in the York Central Masterplan and to undertake further design and legal work to ensure that the final alignment will seek to mitigate the effects of such a route on the Millennium Green and control costs to ensure deliverability – be agreed</p>	<p>To ensure the delivery of York Central and to ensure that the preferred access option has been taken into account as part of consideration</p>
<p>That a change request be submitted to West Yorkshire Combined Authority (WYCA) to re-allocate funding to the revised access schem</p>	
<p>That land within YCP's control that could be used for a Southern Option be safeguarded, in order to protect against any risk to the York Central development caused by circumstances preventing successful delivery of a Western Optio</p>	
<p>That the plan for the YCP to undertake public consultation on a masterplan which will lead to the submission of planning applications be noted</p>	
<p>That the allocation of £1.997m from the previously agreed York Central budget of £10m to meet project costs to planning submission be agreed, with these costs to be considered as a project cost for reimbursement from a future YCP development account</p>	

15 November 2017

That, in taking the project forward;

a) Council Officers be directed to:

- Focus on community engagement as an integral part of the process for the detailed design of the preferred access option, and the development of the York Central Masterplan (YCM), in accordance with the YCP principles;
- Consider how the development can become an exemplar of sustainable development through the detailed design of the preferred access option and the development of the YCM, in accordance with the YCP principles;
- Consider the potential for sustainable energy use and renewable energy generation as part of the development of the detailed design of the YCM, in accordance with the YCP principles;
- Consider affordable housing delivery as an integral part of the YCM;

b) The Partnership be requested to maintain the current provision of information to ensure that the council and the public are able to understand the background to proposals, in order that the scheme will progress over the forthcoming decades.

That the National Railway Museum (NRM) be supported in the development of the NRM masterplan and bids for funding, including Heritage Lottery funding, to support their expansion plans

That a contribution of £200k be provided to the NRM towards the further development of their masterplanning and fundraising bids from the £10m York Central budget

taken into account a range of considerations.

To support the future enhancement and expansion of the NRM as an important cultural anchor to the York Central development.

15 March 2018	That a contract be procured and awarded to a construction partner to deliver the key site infrastructure outlined in the report, including the access bridge, the spine road, and the NRM rail link, with the potential to novate the contract over to the York Central Partnership, a single partner or a successor body for development of the site	To ensure that the concerns around this proposal are properly considered
	That a report on the proposal to dispose of the freehold of the Fermatol site and the Carlisle St private car park to Homes England for the best consideration, and to use this capital receipt to fund the York Central project costs, be brought to a joint Decision Session of the Leader and the Deputy Leader for a decision to be made	
	That authority be delegated to the Deputy Chief Executive, in consultation with the Council Leader, to: <ul style="list-style-type: none"> <li>a) consider responses to the public consultation on the disposal of open space land and;</li> <li>b) subject to that consideration, confirm the sale price of the land and agree the disposal of the Fermatol site and the Carlisle St private car park to Homes England</li> </ul>	To ensure the early delivery of a new access route to York Central within the timescale of available grant funding
	That a further £907k from the £10m EIF be committed to take the project through to planning determination	
That a further report be received in June 2018 setting out: <ul style="list-style-type: none"> <li>a) a preferred masterplan prior to submission of an outline planning application and a detailed bridge and spine road planning application;</li> <li>b) a partnership agreement with the York Central Partnership to formalise the relationship and the financial agreement between the partners;</li> <li>c) a detailed financial plan for the delivery of York Central, including analysis of potential council borrowing, and funding from the Enterprise Zone</li> </ul>		
That the York Central Partnership (YCP) master plan, which it is noted will inform and regulate future planning application submissions, be supported		
	That the draft parameter plans and development schedules for York Central be endorsed, to enable the completion of the Environmental and Transport Impact	

21 June 2018

That the final sign off of the York Central Design Guidelines be delegated to the Leader and Deputy Leader prior to the submission by the YCP of an outline planning application	To ensure the delivery of the York Central scheme
That the Memorandum of Understanding with the YCP be agreed	
That approval of the layout and the submission of a detailed planning application for the first phase infrastructure of the York Central scheme be delegated to the Executive Member for Transport and Planning	
That further reports be received from Autumn 2018 setting out:  a) a partnership agreement and;  b) funding arrangement	
That Officers be instructed to undertake further work to bring forward proposals to support and enhance the delivery of affordable housing on York Central	To ensure that the York Central scheme delivers the economic and social benefits described
That officers be instructed to bring back a detailed business case for the early investment in office accommodation on York Central as part of the council's commercial portfolio	
That officers continue to work with city partners and community groups to identify early community facilities to be developed on York Central	
That the council work with YCP to support the delivery of high sustainability standards on the site	
That YCP be encouraged to continue their community engagement approach throughout delivery of the scheme	
That officers work with YCP to develop proposals for the detailed design of public spaces on York Central	
That further engagement be undertaken with businesses to focus the occupier strategy and integrate the commercial spaces within the broader area	

<p>30 August 2018</p>	<p>That the route of the York Central Access road, bridge and spine road be agreed as set out in Annex 3, and that detailed planning applications for these be submitted in the autumn</p>	<p>To ensure the early delivery of a new access route to York Central within the timescale of available grant funding and the long term maintenance of the Millennium Green</p>
	<p>That approval be given to repossess the land reserved in the Millennium Green lease, to facilitate the access road onto York Central</p>	
	<p>That a long lease be granted of a plot of replacement land on the other side of the Holgate Beck, to provide long term replacement for the reserved land and to undertake minor improvement works to this land as agreed with the Millennium Green Trust (MGT)</p>	
	<p>That a licence be obtained from the MGT permitting use of the area of land required to facilitate the construction of the bridge and that this land be landscaped prior to returning it to the MGT on completion of the works</p>	
	<p>That approval be given to offer MGT temporary use of alternative City of York Council owned land adjacent to the Millennium Green during the period of the licence</p>	
	<p>That a compensatory payment of £375k be made to the MGT, to reflect the disturbance to the Millennium Green and enable the trustees to provide for the long term maintenance to the Millennium Green, of which £300k will be conditional upon planning permission</p>	
	<p>That further support to a maximum of £25k be provided to the MGT for their legal and technical support costs</p>	
	<p>That embankment land to the west of Severus Bridge be appropriated for the use of the Highway, in order to provide an additional pedestrian and cycle deck across the railway</p>	



	<p>That approval be given to undertake detailed design work for the key site infrastructure outlined in the report, including the access bridge and the spine road, and the National Railway Museum (NRM) rail link</p>	
	<p>That further funding be sought from the West Yorkshire Combined Authority (WYCA) and York, North Yorkshire &amp; East Riding (YNYER) Local Enterprise Partnerships (LEPs) to fund the detailed design of the first phase infrastructure through to construction commencement</p>	
	<p>That a further £2,390k funding from the Economic Infrastructure Fund (EIF) be committed to fund the project through to March 2019</p>	
	<p>That, in the eventuality that WCYA or YNYER grant funding is forthcoming, the grant be used to reduce the level of EIF support required</p>	
	<p>That a further report be received in November with a detailed financial plan for the delivery of York Central, including analysis of potential Enterprise Zone backed council borrowing, in order to establish a budget for delivery of York Central infrastructure</p>	
	<p>That a further report be received in January 2019 which will:</p> <ul style="list-style-type: none"> <li>a) set out a partnership agreement with the York Central Partnership to formalise the relationship and the financial agreement between the partners and;</li> <li>b) seek approval to draw down funds and commence construction of the access road and bridge</li> </ul>	
<p>29 November 2018</p>	<p>That £1m of additional business rates income from the 2018/19 business rates pilot be allocated to the Venture Fund</p> <p>That approval be given to use up to £3m of the Venture Fund to finance early years deficits on the revenue costs of borrowing related to the £35m City of York Council contribution, to be repaid from future Enterprise Zone receipts</p>	<p>To ensure the delivery of York Central and to provide funding for enabling infrastructure, including a new access route to York Central, within the timescale of available grant funding</p>

	<p>That prudential borrowing of £35m be agreed, financed from future retained business rates as part of the York Central Enterprise Zone, plus in early years the use of Venture Fund</p>	
<p>17 January 2019</p>	<p>That the Heads of Terms for the York Central Partnership (YCP) legal agreement be approved and that authority be delegated to the Director of Economy &amp; Place and the Director of Corporate &amp; Customer Services to take such steps as are necessary to enter into the legal agreement</p>	<p>To ensure the delivery of York Central and to provide funding for enabling infrastructure, including a new access route to York Central, within the timescale of available grant funding</p>
	<p>That £1.2m of the £155m York Central capital budget, to be funded initially from City of York Council's capital budget, be committed to undertake pre-construction site preparations, including telecommunications mast and rail line relocation and site segregation from the operational railway and bridge agreements with Network Rail, as set out in paragraph 40 of the report</p>	
	<p>That a further £5m of the £155m York Central capital budget, to be funded from the Housing Infrastructure Fund, be committed, subject to planning and external awards, to commence the enabling works, including site clearance, utility diversions and Millennium Green preparation, as set out in paragraphs 42-43</p>	
	<p>That it be acknowledged that a further report will be brought back to Executive to agree the submission of the reserved matters planning application and to commit the capital budget for delivery of the Phase 1 infrastructure, including:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Bridge access onto the site</li> <li><input type="checkbox"/> A new spine road</li> <li><input type="checkbox"/> Drainage</li> <li><input type="checkbox"/> Construction of an additional pedestrian and cycle deck onto Severus Bridge</li> <li><input type="checkbox"/> Construction of a new rail connection between the NRM and the East Coast Main Line</li> </ul> <p>subject to the award of outline planning permission for the scheme and the final agreement of the external grant funding from both the West Yorkshire Transport Fund and the Housing Infrastructure Fund</p>	

	That a further report be received, setting out proposals for economic development on York Central	To ensure that the social, environmental and economic benefits of York Central are delivered and are strongly influenced by community engagement
	That a business case be prepared for the council to acquire affordable housing on the York Central site as part of the first phase of residential development	
	That proposals be developed for the next phase of community engagement and a report be brought to Executive to seek financial support for community groups to develop capacity to engage effectively with YCP, with a view to active engagement to deliver social and economic benefits	
18-Jul-19	That Option 2 be approved, and £750k be allocated to fund Early Contract Involvement (ECI), further design work and finalisation of a Reserved Matters Application (RMA) for the first phase of infrastructure, including the primary access into the site, new bridge / spine road, drainage, construction of an additional pedestrian and cycle deck onto Severus Bridge and construction of a new rail connection between the NRM and the East Coast Main Line (ECML), to be funded partly from the allocated York Central CYC capital budget (£451k) and Homes England funding (£335k).	To ensure the delivery of York Central and to provide funding to enable the progression of the detailed design and planning for a new access route to York Central within the timescale of available funding
	That the £1.25m budget provision previously agreed specifically for early site works be cancelled, with this funding now returned to the remaining unallocated funding for York Central.	
	That approval be given to seek financial contributions towards the budget for up front design work from York, North Yorkshire and East Riding (YNYER) Local Economic Partnership (LEP), Leeds City Region (LCR) LEP and YCP ahead of the agreement for HIF funding.	
	That the decision to undertake the further design works outlined in Option 3, over and above those set out in Option 2, be delegated to the Deputy Chief Executive in consultation with the Executive Leader, subject to the agreement of additional funds from YNYER LEP, LCR LEP, YCP or the award of HIF funding.	
	That the final sign-off of the RMA for the delivery of the Phase 1 infrastructure be delegated to the Director of Economy and Place in consultation with the Executive Leader and Deputy Leader.	

<p>That a further report be brought back to Executive setting out options and proposals to include York Central in the bus Clean Air Zone</p>	<p>To ensure that the social, environmental and economic benefits of York Central are delivered and are strongly influenced by community engagement</p>
<p>That, at the earliest point, the council work to delivery a new Bus Lane to become an integral part of the ph1 Infrastructure, ahead of the timescale required by S.106 conditions; this could be build at the same time as the spine road is constructed, improving bus journey times from day 1.</p>	
<p>That further consultation be carried out with local communities, residents and visitors to the site, via a 'MyYorkCentral' style of consultation.</p>	
<p>That the current Occupier Strategy be reviewed to ensure that commercial spaces encourage clean growth and help contribute to carbon reduction in the city.</p>	
<p>That all the areas of opportunity to secure greater social economic and environmental benefits to the city indicated under paragraph 36 of the report be endorsed, and that these areas be explored in greater detail in order to secure those improvements.</p>	

08-May-18

That the scope for the regeneration of the Guildhall, as set out in the 'Future Options' section of the report, be confirmed.

To minimise delay and ensure that the value of the Early Contractor Involvement (ECI) phase work is realised for the project in re-tendering the delivery of the works in the most effective way, at less cost to the council than the other options and without committing the future

That approval be given to procure a construction contractor for the Guildhall project, based upon Option 2 in paragraphs 29 to 31 of the report.

To ensure the future viability and effective re-use of the Guildhall, as one of the city's most significant buildings.

That, in view of the complexity of the project, a further report with proposals for the appointment of a contractor and determination of the final budget be brought to Executive in the Autumn; that report to include an updated business case, a risk assessment, and details of how the preferred supplier will promote economic growth.

That the council enter into further discussions with Leeds City Region Local Enterprise Partnership, to seek to increase the level of grant funding to deliver the Guildhall scheme.

**1.** In the interests of securing improved public access for residents and visitors, for the future, and maximising the civic and community value of the Guildhall through improved understanding and appreciation of its historic significance, aligning with the Mansion House Opening Doors project.

**2.** To ensure that the optimum beneficial re-use of the complex is properly investigated and that project delivery does not suffer unnecessary delay.

**2.** To ensure that the optimum beneficial re-use of the complex is properly investigated and that project delivery does not suffer unnecessary delay.

**3.** In the interests of optimising the value and long term sustainability of a publicly accessible riverside with an attractive commercial offer to complement the inherent historic interest of

**4.** In the interests of securing the optimum future value for the council from one of its most significant property assets and minimising delay to the project delivery.

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CMT

Older Persons' Accommodation gateway review briefing

## KEY FINDINGS AND RECOMMENDATIONS

### Achievements

<b>Ach1</b>	The programme is making very good progress in meeting its outcomes.
<b>Ach2</b>	Significant achievements have been made in terms of the pace of the programme and asset disposal projects.
<b>Ach3</b>	Good feedback from service users on the outcomes and outputs of the projects.
<b>Ach4</b>	Evidence supports that there has been no detrimental effect of managing people from closed homes to new homes.

### Risks

<b>Rsk</b>		<b>Recommendation</b>	<b>Progress</b>
<b>1</b>	Construction risks in terms of supplier management, cost and delivery have surfaced on the projects and are being addressed when they arise. Though this is affecting the business case of some of the delivery projects it is important to keep in mind that this is normal for	<b>1</b> Major Project PMs to engage, individually on projects and through the Major Project Interface Group, with Procurement, Legal, Health and Safety and Finance to ensure that Risks associated with construction are	Project teams and virtual project teams have been set out for each of the OPAP projects, to be shared with the Housing Delivery Working group. Head of programme

	construction projects and this isn't particular to the OPA programme	identified and mitigated and the landscape is understood.  <b>CMT leads to communicate and support PMs</b>	attends MPIG, Housing Delivery working group, project support group and Team meetings.
<b>Rsk 2</b>	Projects, particularly cross Directorate/Agency, need to work together where there are interdependencies or where there is a different service as a user. This applies to the strategic asset based development work and the delivery of the Project.	<b>Recommendation 2</b>  DMTs to review all projects in the pipeline or on the Directorate Project list to ensure that all linkages and interdependencies have been identified.  <b>Directors to take item to DMT</b>	<b>Progress</b>  Head of programme attends CoE project board. Work planned to engage with other services (Children's and ASC) on the need for specialist housing. Have contributed to the HHASC project list.
<b>Rsk 3</b>	The Business case is predicated on savings that will emerge a number of years after the completion of the delivery projects and it is important that the benefits are tracked and not lost.	<b>Recommendation 3</b>  Ensure during the closure stage of projects that performance against project benefits is monitored consistent with corporate performance reporting. OPA Programme Manager to discuss how this can be	<b>Progress</b>  A number of complex projects are now progressing. This recommendation will be picked up during the development to ensure that evaluation can be carried out on completion.

		<p>done with Corporate performance team.</p> <p><b>OPA Programme Manager to engage with corporate performance and look at methods for tracking project benefits.</b></p>	
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### Issues

		<b>Recommendation 4</b>	<b>Progress</b>
<b>Iss1</b>	Balancing the construction project with the business change/ readiness element and ensuring that there is equal focus on both has been a challenge.	The Director of HHASC to assess with the HHASC DMT to need in terms of business transformation and project alignment and put in place a plan (with benefits, costs, etc) to seek to develop.	Review of extra care housing model underway. This has included staff from across the directorate. Cultural differences and conflicting priorities are still affecting service delivery.
<b>Iss2</b>	The projects are at risk of not realising their benefits without a change in the systems and culture and ASC in order to ensure the optimal placements are made. The services need to be ready when the projects are complete.	<b>Director of HHASC</b>	A recommendation from this review is due in early July. This will be used to inform the model for future extra care schemes.

**Lessons**

<b>LI1</b>	Using appropriate external support on projects and programmes, whether this is as PM, advisor or supplier, is key to their successful delivery. It is important that engagement with the external support is consistent with the overarching delivery objectives of the project, that they are performance managed and that the assignment will add value to the project (experience, expertise, connections, etc).	<p><b>Recommendation 5</b></p> <p>For each Major project ensure that there is sufficient internal capacity to manage areas where external contractors are used and ensure that there are appropriate performance management processes in place.</p> <p><b>CMT to review existing arrangements across Major Projects and ensure future projects have a robust approach.</b></p>	<p>PMs are in the process of reviewing the project structures to ensure sufficient capacity is in place.</p> <p>OPA programme Manager is currently in process of assessing PMO requirements (inc. Quality management processes)</p>
<b>LI2</b>	It's not clear if outstanding risks that emerge from the disposal projects are being picked up in the commissioning projects.	<p><b>Recommendation 6</b></p> <p>Risks that emerge from all the projects that are closed need to be assigned a place in the commissioning projects or to a service area to manage.</p> <p><b>OPA Programme Manager to ensure risks are appropriately transferred.</b></p>	<p><b>Progress</b></p> <p>This is ongoing as projects are completed. The programme is working well with property colleagues. Discussions over the future of the Oakhaven site and how</p>

			<p>this is taken forward. Building issues at Glen Lodge transferred to building maintenance, operational issues OPAP still involved</p>
<b>LI3</b>	<p>It was not always clear in the process how project level decisions were made and how these decisions were scrutinised. Also, it not clear how the project risk profile changes were monitored as these decisions were made.</p> <p>This may have manifested as opportunities that were taken or day to day project business.</p>	<p><b>Recommendation 7</b></p> <p>Consistent with the Corporate Project Management Framework, all decisions should be recorded in the Decisions tab in the Programme RAID log and ensure that there is a clear narrative in the log to tie risks, actions, issues and decisions together . This log is then available for board members to review.</p> <p>As each project passes through a Gateway in future a Gateway review needs to be conducted to ensure that the decision making is sound.</p> <p><b>OPA Programme Manager to ensure that each decision</b></p>	<p><b>Progress</b></p> <p>Ongoing. Verto now being used more extensively. Housing Delivery team appointing a governance and compliance officer to ensure consistency of recording and reporting. All projects to be reviewed at Gateway stages.</p>

		<p><b>is positioned at the right level (consistent with the Council's constitution and the Terms of reference for the OPA programme), the Programme RAID log is populated and up to date. OPA Programme Manager to ensure that a Gateway review is held when each project in the programme passes through a Gateway.</b></p>	
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**Audit and Governance Committee**

18 September 2019

Report of the Head of Internal Audit

**Internal Audit Follow Up Report****Summary**

1. This is the regular six monthly report to the committee setting out progress made by council departments in implementing actions agreed as part of internal audit work.

**Background**

2. Where weaknesses in systems are found by internal audit, the auditors discuss and agree a set of actions to address the problem with the responsible manager. The agreed actions include target dates for issues to be dealt with. The auditors then carry out follow up work to check that the issue has been resolved once these target dates are reached. The follow up work is carried out through a combination of questionnaires completed by responsible managers, risk assessment, and by further detailed review by the auditors where necessary. Where managers have not taken the action they agreed to, issues are escalated to more senior managers, and ultimately may be referred to the Audit and Governance Committee.
3. A summary of the findings from follow up work is presented to this committee twice a year. The current report covers agreed actions with target dates up to 31 July 2019.

**Consultation**

4. Details of the findings of follow up work are discussed with the relevant service managers and chief officers.

## Follow up of internal audit agreed actions

5. A total of 99 actions have been followed up since the last report to this committee in March 2019. A summary of the priority of these actions is included in figure 1, below.

Figure 1: actions followed up as part of the current review

Priority of actions*	Number of actions followed up
1	1
2	42
3	56
<b>Total</b>	<b>99</b>

\* The priorities run from 1 (higher risk issue) to 3 (lower risk)

6. Figure 2 below provides an analysis of the actions which have been followed up, by directorate.

Figure 2: actions followed up by directorate

Priority	Customer & Corporate Services	Economy & Place	Children, Education & Communities	Health, Housing & Adult Social Care
1	0	1	0	0
2	17	3	11	11
3	20	6	28	2
<b>Total</b>	<b>37</b>	<b>10</b>	<b>39</b>	<b>13</b>

7. Of the 99 agreed actions 77 (78%) had been satisfactorily implemented and 3 (3%) were no longer needed<sup>1</sup>.
8. In 19 cases (19%) the action had not been implemented by the target date, but a revised date was agreed. This is done where the delay in addressing an issue will not lead to unacceptable exposure to risk and where, for example, the delays are unavoidable (e.g. due to unexpected difficulties or where actions are dependent on new systems being implemented). These actions will be followed up after the revised target date and if necessary they will be raised with senior managers in accordance with the escalation procedure. Figure 3 below shows the priority of these actions.

<sup>1</sup> For example because of other changes to procedures or because the service has ended or changed significantly.



Figure 3: priorities of actions with revised implementation dates

Priority	Customer & Corporate Services	Economy & Place	Children, Education & Communities	Health, Housing & Adult Social Care
1	0	0	0	0
2	2	0	5	0
3	5	0	7	0
<b>Total</b>	<b>7</b>	<b>0</b>	<b>12</b>	<b>0</b>

9. Annex 1 lists any P1 or P2 actions which have been outstanding for more than 6 months after the original implementation date and the current status of those actions. These will continue to be reported to the committee until implementation is complete.

### Conclusions

10. The follow up testing undertaken confirms that in general good progress has been made by council departments to rectify weaknesses in control identified through internal audit work. This is an ongoing process and progress in implementing agreed actions will continue to be monitored and reported as required through the escalation procedure. There are no specific issues that need to be brought to the attention of the Audit and Governance Committee at this time.

### Options

11. Not relevant for the purpose of the report.

### Analysis

12. Not relevant for the purpose of the report.

### **Corporate Priorities**

13. This report contributes to the council's overall aims and priorities by helping to ensure probity, integrity and honesty in everything we do. It also contributes to all the improving organisation effectiveness priorities.

### **Implications**

14. There are no implications to this report in relation to:

- Finance
- Human Resources (HR)
- Equalities
- Legal
- Crime and Disorder
- Information Technology (IT)
- Property

### **Risk Management**

15. The council will fail to properly comply with Public Sector Internal Audit Standards (PSIAS) if it does not establish procedures to follow up on audit recommendations and report progress to the appropriate officers and members.

### **Recommendations**

16. Members of the Audit and Governance Committee are asked to consider the progress made in implementing internal audit agreed actions as reported above (paragraphs 5 – 10).

Reason: To enable Members to fulfil their role in providing independent assurance on the council's control environment.

**Contact Details**

**Author:**

**Chief Officer Responsible for the report:**

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Veritau Ltd  
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Ian Floyd  
Director of Customer & Corporate  
Services and Interim Chief Executive  
Telephone: 01904 554161

**Report  
Approved**



**Date** 09/09/2019

**Specialist Implications Officers**

Not applicable

**Wards Affected:** Not applicable

**All**

**For further information please contact the author of the report**

**Annexes**

Annex 1 – P1 and P2 actions with revised dates longer than six months

**Background Papers:**

None

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**PRIORITY 1 AND 2 ACTIONS OUTSTANDING FOR MORE THAN 6 MONTHS**

Audit	Priority	Original Date	Revised Date	Finding / Action	Reason for Delay
Health and Safety 2017-18	2	31 March 2018	31 March 2020	<p>Health and Safety guidance in relation to public events was not available on the council website. Existing guidance on the council's website was to be reviewed and guidance on the application process will be developed.</p> <p>The new guidance will be published on the council's website and clearly signposted from the council's intranet and Make It York's website.</p>	Staff vacancies have prevented this from being completed. A new officer will be appointed by the revised date and will be responsible for reviewing and updating the guidance.

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**Audit and Governance Committee**

18 September 2019

Report of the Head of Internal Audit

**Audit & Counter Fraud Monitoring Report****Summary**

- 1 This report provides an update on progress made in delivering the internal audit workplan for 2019/20 and on current counter fraud activity.

**Background**

- 2 The work of internal audit is governed by the Accounts and Audit Regulations 2015 and the Public Sector Internal Audit Standards (PSIAS). In accordance with the standards, periodic reports detailing the outcomes of internal audit work are presented to this committee.

**Internal Audit**

- 3 To date (up to 4 September 2019), internal audit has completed 10% of the 2018/19 audit plan (compared to 9% in the corresponding report last year). The figure is based on reports issued and does not reflect audits in progress or recently completed<sup>1</sup>. It is anticipated that the 93% target for the year will be exceeded by the end of April 2020 (the cut off point for 2019/20 audits). The current status of audits included in the audit plan is shown in annex 3.
- 4 Details of audits completed and reports issued since the last report to this committee in June 2019 are given in annex 1.

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<sup>1</sup> The figure including work in progress and work completed but not yet reported is 41%.

- 5 One variation to the audit plan has been approved since the last report to this committee in June 2019. Details of the variation are included in annex 2.
- 6 Following an internal review, some minor amendments to the council's internal audit charter are proposed. These reflect updated guidance published by Cipfa<sup>2</sup> (the new local government application note for the United Kingdom Public Sector Internal Audit Standards and guidance on The Role of the Head of Internal Audit). A number of other minor drafting changes and updates to job titles are also proposed. The updated charter with tracked changes highlighted is included at annex 4.

### **Counter Fraud**

- 7 Counter fraud work has been undertaken in accordance with the approved plan. Annex 5 provides a summary of the work undertaken in the period.
- 8 Up to 31 August, the counter fraud team has achieved £208k in savings for the council as a result of investigation work (against a target for the year of £200k). Successful outcomes were recorded for 64% of investigations completed - where cases have resulted in some form of action against the perpetrator such as recovery of funds, prosecution, issue of a warning, or other action.

### **Consultation**

- 9 Not relevant for the purpose of the report.

### **Options**

- 10 Not relevant for the purpose of the report.

### **Analysis**

- 11 Not relevant for the purpose of the report.

### **Council Plan**

- 12 The work of internal audit and counter fraud helps to support overall aims and priorities by promoting probity, integrity and

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<sup>2</sup> The Chartered Institute of Public Finance and Accountancy - the responsible standard setter for internal audit for local government.



accountability and by helping to make the council a more effective organisation.

### **Implications**

13 There are no implications to this report in relation to:

- **Finance**
- **Human Resources (HR)**
- **Equalities**
- **Legal**
- **Crime and Disorder**
- **Information Technology (IT)**
- **Property**

### **Risk Management Assessment**

14 The council will be non-compliant with the PSIAS if the results of audit work are not reported to the committee and could therefore be exposed to increased levels of scrutiny and challenge.

### **Recommendations**

15 Members are asked to:

- (a) Note the progress made in delivering the 2019/20 internal audit work programme, and current counter fraud activity.

Reason: To enable members to consider the implications of audit and fraud findings.

- (b) Approve the proposed changes to the internal audit charter at annex 4.

Reason: In accordance with the responsibility of the committee to consider reports dealing with the management of the internal audit function, and to comply with proper practice for internal audit.

## Contact Details

### Author:

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### Chief Officer Responsible for the report:

Ian Floyd  
Director of Customer & Corporate  
Services and Interim Chief Executive  
01904 554161

Report  
Approved



Date 6/9/2019

## Specialist Implications Officers

Not applicable

**For further information please contact the author of the report**

## Background Papers

- 2019/20 Internal Audit and Counter Fraud Plan

## Annexes

Annex 1 – Final reports issued

Annex 2 – Variations to the internal audit plan

Annex 3 – Current status of planned audits

Annex 4 – Proposed revised internal audit charter

Annex 5 – Counter fraud activity

## Available on the council's website

The following Internal Audit reports referred to in annex 1 are published on the council's website:

- Asset Management and Property Services
- Contract Management – Allerton Park
- Council Tax Support and Housing Benefits
- Debtors
- Equalities
- Funded Early Education
- GDPR Compliance
- ICT Asset Management
- ICT Governance & Cyber Security

- Main Accounting System
- Procurement & Contract Management
- Project Management
- Schools Themed Audit – Budget Management
- Services to Schools
- Waste Services and Public Realm – Procurement

Information which might increase risk to the council, its employees, partners or suppliers has been redacted.

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## AUDITS COMPLETED AND REPORTS ISSUED

The following categories of opinion are used for audit reports.

<b>Opinion</b>	<b>Level of Assurance</b>
High Assurance	Overall, very good management of risk. An effective control environment appears to be in operation.
Substantial	Overall, good management of risk with few weaknesses identified. An effective control environment is in operation but there is scope for further improvement in the areas identified.
Reasonable	Overall, satisfactory management of risk with a number of weaknesses identified. An acceptable control environment is in operation but there are a number of improvements that could be made.
Limited	Overall, poor management of risk with significant control weaknesses in key areas and major improvements required before an effective control environment will be in operation.
No Assurance	Overall, there is a fundamental failure in control and risks are not being effectively managed. A number of key areas require substantial improvement to protect the system from error and abuse.

Actions to address issues are agreed with managers where weaknesses in control are identified. The following categories are used to classify agreed actions.

<b><u>Priority</u></b>	<b><u>Long Definition</u></b>	<b><u>Short Definition – for use in Audit Reports</u></b>
1 (High)	<p>Action considered both critical and mandatory to protect the organisation from exposure to high or catastrophic risks. For example, death or injury of staff or customers, significant financial loss or major disruption to service continuity.</p> <p>These are fundamental matters relating to factors critical to the success of the area under review or which may impact upon the organisation as a whole. Failure to implement such recommendations may result in material loss or error or have an adverse impact upon the organisation's reputation.</p> <p>Such issues may require the input at Corporate Director/Assistant Director level and may result in significant and immediate action to address the issues raised.</p>	<p>A fundamental system weakness, which presents unacceptable risk to the system objectives and requires urgent attention by management.</p>

<b><u>Priority</u></b>	<b><u>Long Definition</u></b>	<b><u>Short Definition – for use in Audit Reports</u></b>
2	<p>Action considered necessary to improve or implement system controls so as to ensure an effective control environment exists to minimise exposure to significant risks such as financial or other loss.</p> <p>Such issues may require the input at Head of Service or senior management level and may result in significantly revised or new controls.</p>	<p>A significant system weakness, whose impact or frequency presents risks to the system objectives, and which needs to be addressed by management.</p>
3	<p>Action considered prudent to improve existing system controls to provide an effective control environment in order to minimise exposure to significant risks such as financial or other loss.</p> <p>Such issues are usually matters that can be implemented through line management action and may result in efficiencies.</p>	<p>The system objectives are not exposed to significant risk, but the issue merits attention by management.</p>

### Draft Reports Issued

Seven internal audit reports are currently in draft. These reports are with management for consideration and comments. Once the reports have been finalised, details of the key findings and issues will be reported to this committee.

### Final Reports Issued

The table below shows audit reports finalised since the last report to this committee in June 2019. In all cases the actions have been agreed with management, and will be followed up by internal audit when the due date is reached.

Audit	Opinion	Agreed actions			Work done / issues identified
		P1	P2	P3	
Asset Management and Property Services	Reasonable Assurance	0	4	2	A review of the council's asset management strategy and the processes in place to maintain reliable data and maintenance schedules. It found that governance of the strategy could be improved as well as retention of key documentation.
Contract Management – Allerton Park	Substantial Assurance	0	1	0	A review of the contract management arrangements for the waste recovery plant (in partnership with North Yorkshire CC) at Allerton Park. These are generally working well



Audit	Opinion	Agreed actions			Work done / issues identified
		P1	P2	P3	
					although the agreement between the two councils requires updating.
Council Tax Support & Housing Benefits	High Assurance	0	0	1	A review of key controls and risks in relation to CTS applications and benefits including recovery and overpayments. Systems were generally working well.
Debtors	Substantial Assurance	0	0	4	A review of the systems in place to process debtors invoices and to take action to recover debts. Some minor issues were identified in relation to updating procedures and the timeliness of raising invoices.
Equalities	Reasonable Assurance	0	2	1	A review of the processing of equalities information by maintained schools. It found that schools do not always have appropriate policies in place and corporate guidance could be improved.
Funded Early Education	Substantial Assurance	0	1	2	A regular audit of council-funded nursery providers. It found that improvements could be

Audit	Opinion	Agreed actions			Work done / issues identified
		P1	P2	P3	
					made at some providers to retain necessary supporting documentation.
GDPR Compliance	Reasonable Assurance	0	9	1	A review of the council's arrangements for ensuring compliance with the GDPR. It highlighted a number of areas for improvement including policies and guidance, training, privacy information and ensuring the completeness of the information asset register.
ICT Asset Management	Substantial Assurance	0	2	1	An audit of the systems in place to manage ICT assets. The main issue identified related to the lack of communication from service areas when assets change ownership.
ICT Governance & Cyber Security	Substantial Assurance	0	1	2	A review of the council's ICT governance framework and approach to cyber security. The audit found that cyber security risks could be more formally documented and considered by senior officers.

Audit	Opinion	Agreed actions			Work done / issues identified
		P1	P2	P3	
Main Accounting System	Substantial Assurance	0	1	1	An audit of the council's main accounting system including control accounts, bank reconciliations, feeder systems and virements. The main issue was that some control accounts were not being reconciled regularly.
Procurement & Contract Management	High Assurance	0	0	1	The audit review compared the council's contract management guidance to Cipfa best practice and the level of compliance with it. No major issues were identified.
Project Management	Reasonable Assurance	0	4	1	A review of the council's corporate arrangements for project management. It found that significant improvements had been made since the last audit but there are still some weaknesses to address including documentation of gateway reviews.
Schools Themed Audit – Budget Management	Substantial Assurance	0	2	3	A review of budget management across a sample of maintained schools. It found that some schools could improve the frequency of their budget monitoring reports and compliance

Audit	Opinion	Agreed actions			Work done / issues identified
		P1	P2	P3	
					with the timetable for financial returns to the council.
Services to Schools	Substantial Assurance	0	1	3	An audit of the council's systems and procedures for offering traded services to maintained schools. The main issue identified was that contracts for payroll services were not always in place.
Waste Services and Public Realm – Procurement	Substantial Assurance	0	2	2	A review of the procurement of goods and services within waste services and public realm. Generally, formal contracts are in place but some omissions were identified.

## VARIATIONS TO THE 2019/20 AUDIT PLAN

Additions to the plan are considered where:

- specific requests are received from the S151 Officer which are necessary for them to discharge their statutory responsibilities;
- new or previously unidentified risks result in changes to the priority of audit work;
- significant changes in legislation, systems or service delivery arrangements occur which have an impact on audit priorities;
- requests are received from customers to audit specific services, systems or activities usually as a result of weaknesses in controls or processes being identified by management;
- urgent or otherwise unplanned work arises as a result of investigations into fraud and other wrongdoing identifying potential control risks.

Additions to the audit plan are only made if the proposed work is considered to be of a higher priority than work already planned, the change can be accommodated within the existing resource constraints and the change has been agreed by the Head of Internal Audit.

Audits are deleted from the plan or delayed until later years where:

- specific requests are received from the S151 Officer or the audit customer and the grounds for such a request are considered to be reasonable;
- the initial reason for inclusion in the audit plan no longer exists;
- it is necessary to vary the plan to balance overall resources.

To reflect the contractual relationship between the council and Veritau, all proposed variations to the agreed audit plan arising as the result of emerging issues and/or requests from directorates will be subject to a change control process. Where the variation exceeds 5 days then the change must be authorised by the S151 Officer. Details of variations are communicated to the Audit and Governance Committee for information.

## 2019/20 Audit Plan Variations

The following variation has been approved since the last report to this committee in June 2019.

Audit	Days	Reason For Variation
<b>Additions / Increases to the Audit Plan</b>		
Data Quality (CEC)	15	An allocation of time to carry out a review of data quality within the CEC directorate. The days will be taken from the contingency allocation. This now has 5 days remaining.
	15	

**CURRENT STATUS OF WORK IN AUDIT PLAN**

<b>AUDIT</b>	<b>STATUS</b>	<b>TARGET DATE FOR A&amp;G COMMITTEE</b>
<b>Corporate &amp; Cross-Cutting</b>		
Absence Management	Planning Commenced	March 2020
Corporate Complaints	Not started	June 2020
Data Quality	Not started	June 2020
Financial Resilience	Not started	March 2020
Health & Safety	In progress	December 2019
Home Working	In progress	December 2019
Information Security Sweeps	Fieldwork complete	December 2019
Insurance	Not started	March 2020
IT – Licence Management	Planning Commenced	March 2020
IT – Server Admin & Security	Not started	March 2020
IT – Mobile Applications	Not started	March 2020
NHS Information Governance Toolkit	Not started	n/a
Procurement & Contract Management	Not started	March 2020
Records Management	Not started	June 2020
Transparency	Not started	June 2020
<b>Main Financial Systems</b>		

AUDIT	STATUS	TARGET DATE FOR A&G COMMITTEE
Council Tax & NNDR	In progress	December 2019
Council Tax Support and Housing Benefits	Not started	June 2020
Debtors	Not started	June 2020
Main Accounting System	Not started	June 2020
Ordering and Creditor Payments	Not started	March 2020
Payroll	In progress	December 2019
<b>Health, Housing and Adult Social Care</b>		
ASC Budget Management	Not started	June 2020
Building Services – Materials	Not started	June 2020
Continuing Healthcare (carried forward from 18/19)	In progress	December 2019
Homelessness	Not started	March 2020
Housing Delivery	Not started	June 2020
Housing Rents	In progress	December 2019
Integrated Care Partnerships	Not started	March 2020
Older People’s Accommodation	Not started	June 2020
Public Health	Not started	March 2020
Safeguarding	Not started	June 2020
Social Care Financial Assessments	In progress	March 2020



AUDIT	STATUS	TARGET DATE FOR A&G COMMITTEE
<b>Economy and Place</b>		
Cash Handling	Not started	March 2020
Environmental Health	Not started	June 2020
Household Waste	Not started	June 2020
Smart Travel Evolution Programme (STEP)	Not started	June 2020
Taxi Licensing (follow-up)	Not started	March 2020
York Central	Not started	June 2020
<b>Children, Education and Communities</b>		
Adoption Services	Not started	June 2020
Agency Staff	Planning Commenced	December 2019
Data Quality (addition to plan)	Work complete	n/a
Home to School Transport	Not started	June 2020
Joint Targeted Area Inspection Plan	Not started	June 2020
Schools Maintenance Programme (carried forward from 18/19)	Fieldwork Complete	December 2019
Schools Funding	In progress	December 2019
Schools Themed Audit – Financial Systems	Not started	March 2020
Schools Themed Audit – Procurement Cards	Not started	June 2020

<b>AUDIT</b>	<b>STATUS</b>	<b>TARGET DATE FOR A&amp;G COMMITTEE</b>
Schools: Danesgate Community PRU	Fieldwork complete	December 2019



# City of York Council Internal Audit Charter

18 September 2019

## 1 Introduction

- 1.1 There is a statutory duty on the council to undertake an internal audit of the effectiveness of its risk management, control and governance processes. The Accounts and Audit Regulations 2015 also require that the audit takes into account public sector internal auditing standards or guidance. The Chartered Institute of Public Finance and Accountancy (Cipfa) is responsible for setting standards for proper practice for local government internal audit in England.
- 1.2 From 1 April 2017 Cipfa adopted revised Public Sector Internal Audit Standards (PSIAS)<sup>1</sup> compliant with the Institute of Internal Auditors' (IIA) International Standards. The PSIAS and Cipfa's local government application note for the standards represent proper practice for internal audit in local government. This charter sets out how internal audit at City of York Council will be provided in accordance with this proper practice.
- 1.3 This charter should be read in the context of the wider legal and policy framework which sets requirements and standards for internal audit, including the Accounts and Audit Regulations, the PSIAS and application note, and the council's constitution and financial regulations.

## 2 Definitions

- 2.1 The standards include reference to the roles and responsibilities of the "board" and "senior management". Each organisation is required to define these terms in the context of its own governance arrangements. For the purposes of the PSIAS these terms are defined as follows at City of York Council.

"Board" – the Audit and Governance Committee fulfil the responsibilities of the board, in relation to internal audit standards.

"Senior Management" – in the majority of cases, the term senior management in the PSIAS should be taken to refer to the Director of Customer and Corporate Services in their role as Chief Financial Officer. This includes all functions relating directly to overseeing the work of internal audit. In addition, senior management may also refer to any other director of the council individually (including the Chief Executive) or collectively as the Council Management Team (CMT) in relation to:

- having direct and unrestricted access for reporting purposes
- consulting on risks affecting the council for audit planning purposes
- approving the release of information arising from an audit to any third party.

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<sup>1</sup> The PSIAS were adopted jointly by relevant internal audit standard setters across the public sector.

2.2 The standards also refer to the “chief audit executive”. This is taken to be the Head of Internal Audit (Veritau).

### **3 Application of the standards**

3.1 In line with the PSIAS, the mission of internal audit at City of York Council is:

“To enhance and protect organisational value by providing risk-based and objective assurance, advice and insight.”

3.2 The council requires that the internal audit service aspires to achieve the mission through its overall arrangements for delivery of the service. In aiming to achieve this, the council expects that the service:

- Demonstrates integrity.
- Demonstrates competence and due professional care.
- Is objective and free from undue influence (independent).
- Aligns with the strategies, objectives, and risks of the organisation.
- Is appropriately positioned and adequately resourced.
- Demonstrates quality and continuous improvement.
- Communicates effectively.
- Provides risk-based assurance.
- Is insightful, proactive, and future-focused.
- Promotes organisational improvement.

3.3 The PSIAS defines internal audit as follows.

*“Internal auditing is an independent, objective assurance and consulting activity designed to add value and improve an organisation’s operations. It helps an organisation accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control and governance processes.”*

3.4 The council acknowledges the mandatory nature of this definition and confirms that it reflects the purpose of internal audit in York. The council also requires that the service be undertaken in accordance with the code of ethics and standards set out in the PSIAS. To provide optimum benefit, the council requires that internal audit work in partnership with management to improve the control environment and help the organisation to achieve its objectives.

#### **4 Scope of internal audit activities**

- 4.1 The scope of internal audit work will encompass the council's entire control environment<sup>2</sup>, comprising its systems of governance, risk management, and control.
- 4.2 The scope of audit work also extends to services provided through partnership arrangements, irrespective of what legal standing or particular form these may take. The Head of Internal Audit, in consultation with all relevant parties and taking account of audit risk assessment processes, will determine what work will be carried out by the internal audit service, and what reliance may be placed on the work of other auditors.

#### **5 Responsibilities and objectives**

- 5.1 The Head of Internal Audit is required to provide an annual report to the Audit and Governance Committee. The report will be used by the committee to inform its consideration of the council's annual governance statement. The report will include:
- the Head of Internal Audit's opinion on the adequacy and effectiveness of the council's framework of governance, risk management, and control
  - any qualifications to the opinion, together with the reasons for those qualifications (including any impairment to independence or objectivity)
  - any particular control weakness judged to be relevant to the preparation of the annual governance statement
  - a summary of work undertaken to support the opinion including any reliance placed on the work of other assurance bodies
  - an overall summary of internal audit performance and the results of the internal audit service's quality assurance and improvement programme
  - a statement on conformance with the PSIAS (including the code of ethics and standards) and the results of the quality assurance and improvement programme.
- 5.2 To support the opinion the Head of Internal Audit will ensure that an appropriate programme of audit work is undertaken. In determining what work to undertake the service should:
- adopt an overall strategy setting out how the service will be delivered in accordance with this charter
  - draw up an indicative risk based audit plan on an annual basis following consultation with the Audit and Governance Committee and senior management. The audit plan will also reflect the requirements of the charter, the strategy, and proper practice

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<sup>2</sup> For example the work of internal audit is not limited to the review of financial controls only.

- consider trends and emerging issues that may impact the organisation.

5.3 In undertaking this work, responsibilities of the internal audit service will include:

- providing assurance to the board and senior management on the effective operation of governance arrangements and the internal control environment operating at the council<sup>3</sup>
- objectively examining, evaluating and reporting on the probity, legality and value for money of the council's arrangements for service delivery
- reviewing the council's financial arrangements to ensure that proper accounting controls, systems and procedures are maintained and, where necessary, for making recommendations for improvement
- helping to secure the effective operation of proper controls to minimise the risk of loss, the inefficient use of resources and the potential for fraud and other wrongdoing
- acting as a means of deterring all fraudulent activity, corruption and other wrongdoing; this includes conducting investigations into matters referred by members, officers, and members of the public and reporting findings to directors and members as appropriate for action
- advising the council on relevant counter fraud and corruption policies and measures, for example the counter fraud and corruption policy.

5.4 The Head of Internal Audit will ensure that the service is provided in accordance with proper practice as set out above and in accordance with any other relevant standards – for example council policy and legal or professional standards and guidance.

5.5 In undertaking their work, internal auditors should have regard to:

- the mission of internal audit core principles and standards as set out in the PSIAS and reflected in this charter
- the code of ethics in the PSIAS<sup>4</sup>
- the codes of any professional bodies of which they are members
- standards of conduct expected by the council
- the Committee on Standards in Public Life's *Seven Principles of Public Life*.

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<sup>3</sup> Where third parties place reliance on the assurance provided then they do so at their own risk

<sup>4</sup> Veritau has adopted its own code of ethics which fulfil the requirements of the PSIAS.

## **6 Organisational independence**

- 6.1 It is the responsibility of directors and service managers to maintain effective systems of risk management, internal control, and governance. Auditors will have no responsibility for the implementation or operation of systems of control and will remain sufficiently independent of the activities audited to enable them to exercise objective professional judgement.
- 6.2 Audit advice and recommendations will be made without prejudice to the rights of internal audit to review and make further recommendations on relevant policies, procedures, controls and operations at a later date.
- 6.3 The Head of Internal Audit will put in place measures to ensure that individual auditors remain independent of areas they are auditing for example by:
- rotation of audit staff
  - ensuring staff are not involved in auditing areas where they have recently been involved in operational management, or in providing consultancy and advice<sup>5</sup>

## **7 Accountability, reporting lines, and relationships**

- 7.1 Internal audit services are provided under contract to the council by Veritau. The company is a separate legal entity<sup>6</sup>. Staff undertaking internal audit work are employed by Veritau or are seconded to the company from the council. The Director of Customer and Corporate Services acts as client officer for the contract, and is responsible for overall monitoring of the service.
- 7.2 In its role in providing an independent assurance function, Veritau has direct access to members and senior managers and can report uncensored to them as considered necessary. Such reports may be made to the:
- Council, Cabinet, or any committee (including the Audit & Governance Committee)
  - Chief Executive
  - Director of Customer and Corporate Services (Chief Financial Officer)
  - Monitoring Officer
  - other directors, assistant directors and managers.
- 7.3 The Director of Customer and Corporate Services (Chief Financial Officer) has specific responsibilities for ensuring that the council has effective systems of risk management and internal control. The role includes a responsibility to ensure

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<sup>5</sup> auditors will not be used on internal audit engagements where they have had direct involvement in the area within the previous 12 months

<sup>6</sup> Veritau is part-owned by the council. The company provides internal audit services to a number of member councils and other public sector organisations



that the council has put in place arrangements for effective internal audit. In recognition of the importance of the relationship between the Chief Financial Officer and internal audit (recognised in the standards), a protocol has been drawn up setting out the relationship between them. This is included in Appendix 1.

7.4 The Head of Internal Audit will report independently to the Audit and Governance Committee<sup>7</sup> on:

- proposed allocations of audit resources
- any significant risks and control issues identified through audit work
- their annual opinion on the council's control environment.

7.5 The Head of Internal Audit will informally meet in private with members of the Audit and Governance Committee, or the committee as a whole as required. Meetings may be requested by committee members or the Head of Internal Audit.

7.6 The Audit and Governance Committee will oversee (but not direct) the work of internal audit. This includes commenting on the scope of internal audit work and approving the annual audit plan. The committee will also protect and promote the independence and rights of internal audit to enable it to conduct its work and report on its findings as necessary<sup>8</sup>.

## **8 Fraud, consultancy services and non-audit services**

8.1 The primary role of internal audit is to provide assurance services to the council. However, the service is also required to undertake fraud investigation and other consultancy work to add value and help improve governance, risk management and control arrangements.

8.2 The prevention and detection of fraud and corruption is the responsibility of directors and service managers. However, all instances of suspected fraud and corruption must be notified to the Head of Internal Audit, who will decide on the course of action to be taken in consultation with relevant service managers and/or other advisors (for example human resources). Where appropriate, cases of suspected fraud or corruption will be investigated by Veritau.

8.3 Where appropriate, Veritau may carry out other consultancy related work, for example specific studies to assess the economy, efficiency, and effectiveness of elements of service provision. The scope of such work will be determined in conjunction with service managers. Such work will only be carried out where

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<sup>7</sup> The committee charged with overall responsibility for governance at the council.

<sup>8</sup> The relationship between internal audit and the Audit and Governance Committee is set out in more detail in Appendix 2.

there are sufficient resources and skills within Veritau and where the work will not compromise the assurance role or the independence of internal audit.

- 8.4 Where Veritau provides non-audit services (for example information governance), appropriate safeguards will be put in place to ensure audit independence and objectivity are not compromised. These safeguards include the work being performed by a separate team with different line management arrangements. Separate reporting arrangements will also be maintained. The Head of Internal Audit will report any instances where audit independence or objectivity may be compromised to the Corporate Director of Customer and Corporate Services and the Audit and Governance Committee. The Head of Internal Audit will also take steps to limit any actual or perceived impairment that might occur (for example by arranging for the audit of these services or functional activities to be overseen externally).

## **9 Resourcing**

- 9.1 As part of the audit planning process the Head of Internal Audit will review the resources available to internal audit, to ensure that they are appropriate and sufficient to meet the requirements to provide an opinion on the council's control environment. Where resources are judged to be inadequate or insufficient, recommendations to address the shortfall will be made to the Director of Customer and Corporate Services and to the Audit and Governance Committee.

## **10 Rights of access**

- 10.1 To enable it to fulfil its responsibilities, the council gives internal auditors employed by Veritau the authority to:
- enter all council premises or land, at any reasonable time
  - have access to all data, records, documents, correspondence, or other information - in whatever form - relating to the activities of the council
  - have access to any assets of the council and to require any employee of the council to produce any assets under their control
  - be able to require from any employee or member of the council any information or explanation necessary for the purposes of audit.
- 10.2 Directors and service managers are responsible for ensuring that the rights of Veritau staff to access premises, records, and personnel are preserved, including where the council's services are provided through partnership arrangements, contracts or other means.

## **11 Review**

- 11.1 This charter will be reviewed periodically by the Head of Internal Audit. Any recommendations for change will be made to the Director of Customer and Corporate Services and the Audit and Governance Committee, for approval.

**Relationship between the Director of Customer and Corporate Services  
(the Chief Financial Officer) and internal audit**

- 1 In recognition of the statutory duties of the council's Director of Customer and Corporate Services (the Director), this protocol has been adopted to form the basis for a sound and effective working relationship between the director and internal audit.
  - (i) The Head of Internal Audit (HoIA) will seek to maintain a positive and effective working relationship with the director.
  - (ii) Internal audit will review the effectiveness of the council's systems of control, governance, and risk management and report its findings to the director (in addition to the Audit and Governance Committee).
  - (iii) The director will be asked to comment on those elements of internal audit's programme of work that relate to the discharge of their statutory duties. In devising the annual audit plan and in carrying out internal audit work, the HoIA will give full regard to the comments of the director.
  - (iv) The HoIA will notify the director of any matter that in the HoIA's professional judgement may have implications for the director in discharging their statutory responsibilities.
  - (v) The director will notify the HoIA of any concerns that they may have about control, governance, or suspected fraud and corruption and may require internal audit to undertake further investigation or review.
  - (vi) The HoIA will be responsible for ensuring that internal audit is provided in accordance with proper practice.
  - (vii) If the HoIA identifies any shortfall in resources which may jeopardise the ability to provide an opinion on the council's control environment, then they will make representations to the director, as well as to the Audit and Governance Committee.
  - (viii) The HoIA will report to the Director of Customer and Corporate Services (and the Audit and Governance Committee) any instances where internal audit independence or objectivity is likely to be compromised, together with any planned remedial action.
  - (ix) The HoIA will report to the Director of Customer and Corporate Services (and the Audit and Governance Committee) any instances where audit work has not conformed to the code of ethics and/or the standards. This includes the reasons for non-conformance and the possible impact on the audit opinion.

- (x) The director will protect and promote the independence and rights of internal audit to enable it to conduct its work effectively and to report as necessary.

### **Relationship between the Audit and Governance Committee and internal audit**

- 1 The Audit and Governance Committee plays a key role in ensuring the council maintains a robust internal audit service and it is therefore essential that there is an effective working relationship between the committee and internal audit. This protocol sets out some of the key responsibilities of internal audit and the committee.
- 2 The Audit and Governance Committee will seek to:
  - (i) raise awareness of key aspects of good governance across the organisation, including the role of internal audit and risk management
  - (ii) ensure that adequate resources are provided by the council so as to ensure that internal audit can satisfactorily discharge its responsibilities
  - (iii) protect and promote the independence and rights of internal audit to conduct its work properly and to report on its findings as necessary.
- 3 Specific responsibilities in respect of internal audit include the following.
  - (i) oversight of, and involvement in, decisions relating to how internal audit is provided
  - (ii) approval of the internal audit charter
  - (iii) consideration of the annual report and opinion of the Head of Internal Audit (HoIA) on the council's control environment
  - (iv) consideration of other specific reports detailing the outcomes of internal audit work
  - (v) consideration of reports dealing with the performance of internal audit and the results of its quality assurance and improvement programme
  - (vi) consideration of reports on the implementation of actions agreed as a result of audit work and outstanding actions escalated to the committee in accordance with the approved escalation policy
  - (vii) approval (but not direction) of the annual internal audit plan.
- 4 In relation to the Audit and Governance Committee, the HoIA will:
  - (i) attend its meetings and contribute to the agenda
  - (ii) ensure that overall internal audit objectives, workplans, and performance are communicated to, and understood by, the committee
  - (iii) provide an annual summary of internal audit work, and an opinion on the council's control environment, including details of unmitigated risks or other issues that need to be considered by the committee

- (iv) establish whether anything arising from the work of the committee requires consideration of the need to change the audit plan or vice versa
  - (v) highlight any shortfall in the resources available to internal audit or any instances where the independence or objectivity of internal audit work may be compromised (and to make recommendations to address these to the committee)
  - (vi) report any significant risks or control issues identified through audit work which the HoIA feels necessary to specifically report to the committee. This includes risks which management are failing to address but which the HoIA considers are unacceptable for the council
  - (vii) report any actual or attempted interference in the performance or reporting of internal audit work
  - (viii) participate in the committee's review of its own remit and effectiveness
  - (ix) discuss the outcomes of the quality assurance and improvement programme, and consult with the board on how external assessment of the internal audit service will be conducted (required once every five years).
- 5 The Head of Internal Audit will informally meet in private with members of the Audit and Governance Committee, or the committee as a whole as required. Meetings may be requested by committee members or the HoIA.

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**COUNTER FRAUD ACTIVITY 2018/19**

The table below shows the level of savings achieved through counter fraud work during the current financial year.

	<b>2019/20 (Actual: 31/8/19)</b>	<b>2019/20 (Target: Full Yr)</b>	<b>2018/19 (Actual: Full Yr)</b>
Amount of actual savings (quantifiable savings - e.g. repayment of loss, cancellation of right to buy discounts and stopping ongoing fraudulent claims) identified through fraud investigation.	£208,503	£200,000	£328,275

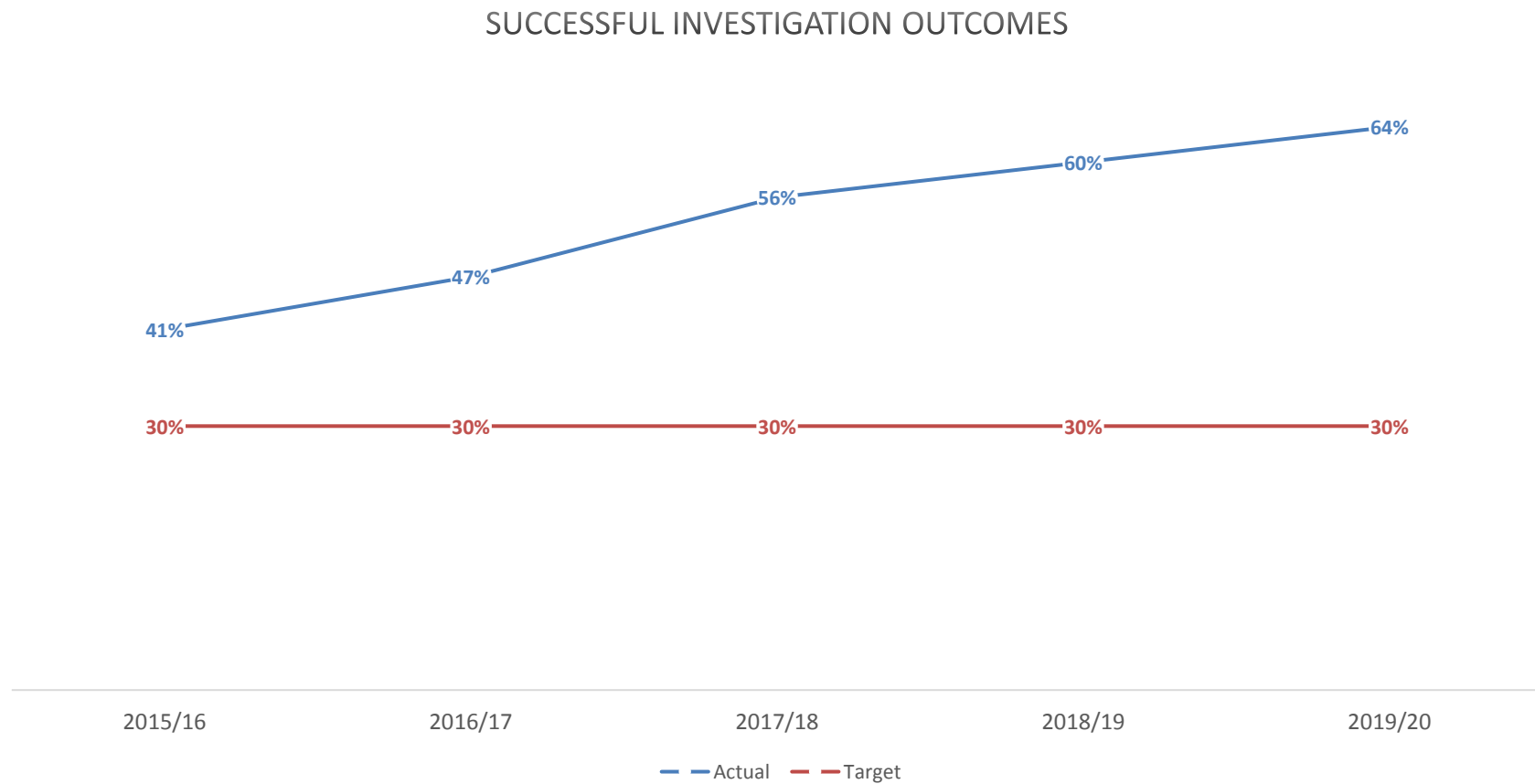
**Caseload figures for the period are:**

	<b>2019/20 (As at 31/8/19)</b>	<b>2018/19 (Full Year)</b>
Referrals received	135	345
Number of cases under investigation	105	118 <sup>1</sup>
Number of investigations completed	66	189

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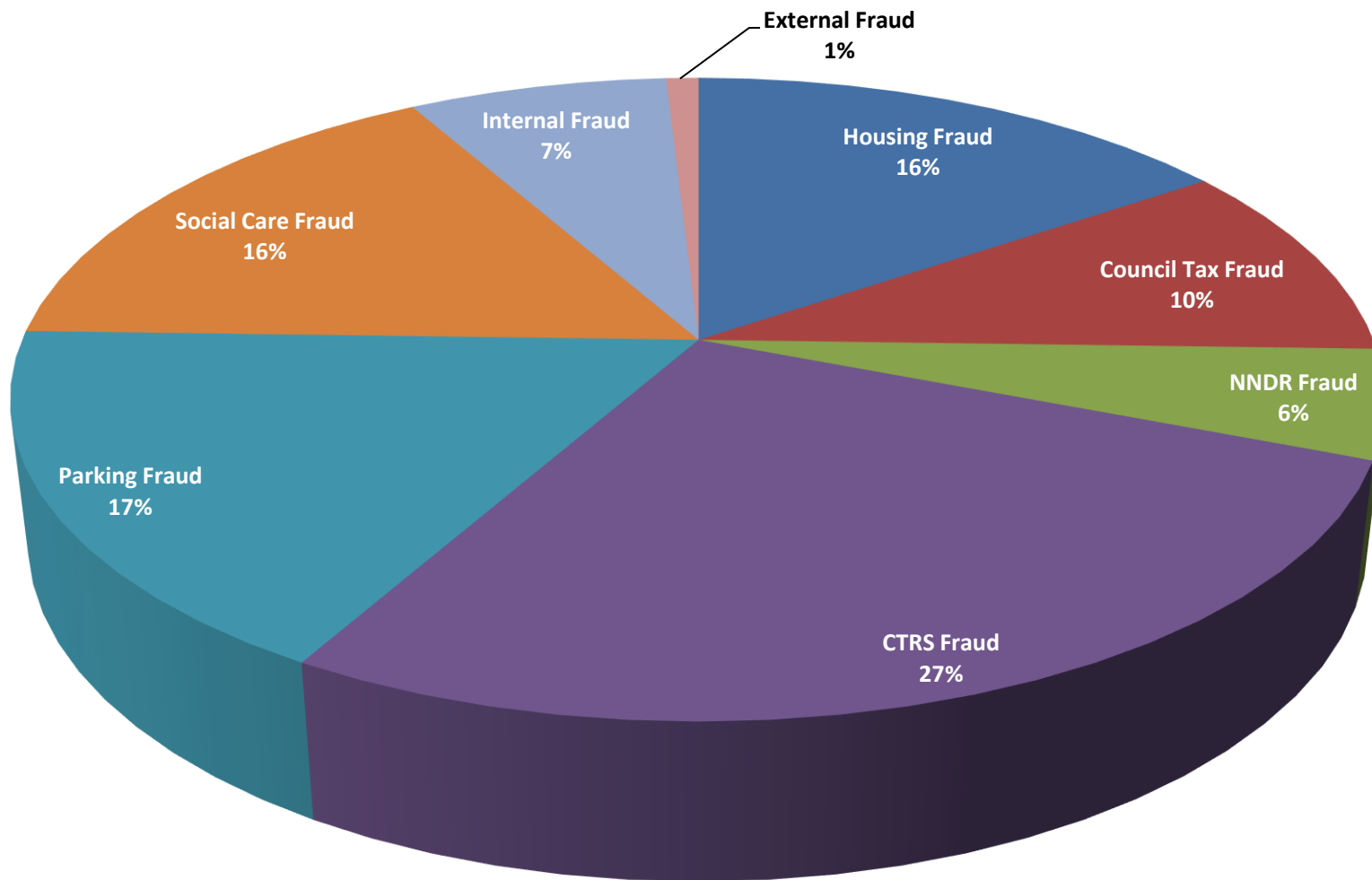
<sup>1</sup> As at 31/3/18

The agreed target for successful outcomes from investigations is 30%. Actual outcomes vary by case type but include, for example, benefits or discounts being stopped or amended, sanctions, prosecutions, properties recovered, housing allocations blocked, or management action taken. The graph below shows percentage success rates over the last 4 years and 2019/20 to date.



The chart below shows the proportion of different case types under investigation as at 31 August 2019.

### Active Investigations by type



### Summary of counter fraud activity:

Activity	Work completed or in progress
Data matching	<p>The 2018/19 National Fraud Initiative (NFI) is ongoing. Initial matches were released in March 2019 with further batches added over the past 6 months. In August, a final batch of 500 matches was released as a result of the matching of councils' data with HMRC data. This is the first time HMRC have been able to share their data with the NFI. A total of 9,300 matches have been identified and these are under review by the counter fraud team and relevant council departments.</p>
Fraud detection and investigation	<p>The service continues to promote the use of criminal investigation techniques and standards to respond to any fraud perpetrated against the council. Activity to date includes the following:</p> <ul style="list-style-type: none"> <li>• <b>Social Care fraud</b> – Social Care fraud is the largest area of fraud loss detected against the council. Whilst the number of cases where fraud is found is relatively low, the losses associated with individual cases are often high. In the first five months of 2019/20 the counter fraud team has recorded losses of over £130,000 in five investigations. There are currently 16 ongoing investigations in this area.</li> <li>• <b>Council Tax/Non Domestic Rates fraud</b> – Council tax and business rate fraud investigations remain an area of focus for the team. In August a person was prosecuted by the council for providing multiple false tenancy agreements to support fraudulent claims for discounts and benefits. In addition three people have been cautioned and six people have been issued written warnings following investigations in these areas. There are currently 13 investigations ongoing.</li> <li>• <b>Internal fraud</b> - The team has received 5 referrals for possible internal fraud to date; 7 cases are currently under investigation.</li> </ul>

Activity	Work completed or in progress
	<ul style="list-style-type: none"> <li>• <b>Housing fraud</b> – Working alongside colleagues in the housing department, the counter fraud team has prevented four council homes from being let to applicants who provided false information in housing applications. One false right to buy application has been stopped; if the sale had been allowed to proceed the council would have had to grant an £80k discount on a council property in the Walmgate area of York. In addition, one person has been cautioned and one person issued a written warning for housing fraud offences. There are currently 16 cases under investigation.</li> <li>• <b>Parking fraud</b> – The fraud team work with the parking department to combat blue badge and other types of parking related fraud. In 2019/20 four people have been cautioned and nine people have been issued warnings for the misuse or alteration of blue badges. One person has been issued a warning for misuse of a residential parking permit. In August a day of action took place where blue badges in use in the city centre were checked to ensure proper usage - no instances of fraud were detected that day.</li> <li>• <b>Council Tax Support fraud</b> – Council Tax Support fraud is high volume but generally of relatively low value. One person has been warned about their conduct in relation to fraud in this area during the current financial year.</li> <li>• <b>Education verification</b> – The fraud team works with the schools team to investigate and deter false applications for school placements. Three investigations have been completed this year which has resulted in one application being stopped.</li> <li>• <b>York Financial Assistance Scheme fraud</b> – The fraud team works with council officers and external organisations to deter fraud against this scheme. No reports of fraud have been received in 2019/20 to date.</li> </ul>

Activity	Work completed or in progress
Fraud liaison	<p>The counter fraud team acts as a single point of contact for the Department for Work and Pensions (DWP) and is responsible for providing data to support their housing benefit investigations. The team has dealt with 113 requests on behalf of the Council in 2019/20.</p> <p>In May 2019, the DWP began new joint working arrangements with councils in the Yorkshire and Humber region. Joint working involves council fraud investigation officers working with DWP counterparts to investigate benefit fraud that affects both organisations. To date there have only been a few joint investigations started and none have yet been completed.</p>
Fraud Management	<p>In 2019/20 a range of activity has been undertaken to support the council's counter fraud framework.</p> <ul style="list-style-type: none"> <li>• The counter fraud team alerts council departments to emerging local and national threats through a monthly bulletin and specific alerts over the course of the year.</li> <li>• In May, the council's counter fraud transparency data was updated to include data on counter fraud performance in 2018/19, meeting the council's obligation under the Local Government Transparency Code 2015.</li> <li>• The council participated in the annual Cipfa Counter Fraud and Corruption Tracker (CFaCT) survey in June 2019. The information will contribute to a Cipfa national report detailing the extent fraud against local authorities.</li> <li>• In September, the counter fraud team ran a cybercrime awareness week, delivering cybercrime awareness information to council employees through a number of bulletins provided over the course of the week.</li> </ul>

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Audit & Governance Committee

18 September 2019

Report of the Interim Assistant Director Legal & Governance

## **Review of the Constitution and Governance Arrangements**

### **Summary**

1. This report provides an update to members of the Audit & Governance Committee regarding the proposed review of the Constitution and the Council's Governance Arrangements.

### **Background**

2. The Council's Executive is to consider a report on 26<sup>th</sup> September setting out proposals for a review of the Council's Constitution and of the Council's Governance Arrangements.
3. The report recommends that these two elements be dealt with separately but concurrently to facilitate an expedited approach to bringing the Constitution up to date and a more extensive review of the Governance Arrangements to include consideration of alternative decision-making models as permitted under the Localism Act 2011.

### **Role of the Audit & Governance Committee**

4. Section 2, Article 9 of the existing Constitution sets out the Terms of Reference of the Audit & Governance Committee and in particular states:

“ensure the probity, propriety and lawfulness of all activities and transactions effected in the name of the Council;”

Further Section 3C Responsibility for Functions paragraph 7 of the Constitution sets out those specific functions delegated to the Audit & Governance Committee which include:

“13. To keep under review the Council's contract procedure rules, financial regulations, working protocols and codes of conduct and behaviour (not otherwise reserved to the Joint Standards Committee).

15. To consider the effectiveness of the Council's arrangements for corporate governance (including information governance).

19. To bring to Full Council all proposals for amendment to the Constitution submitted by Members in accordance with this Constitution.”

5. It is therefore important that the Audit & Governance Committee has oversight of these reviews and has input into any proposals to be considered by the Executive and to be recommended to Full Council.

### **Options**

6. Members of the Audit & Governance Committee are asked to consider how they would wish to undertake their role as set out in paragraph 5 of this report. Reports can be brought directly to meetings of the Committee alternatively the Committee may wish to set up a Working Group to consider the detail of any proposals in advance of their presentation to the formal meetings.

### **Analysis**

7. Not relevant for the purpose of this Report.

### **Council Plan**

8. The Council's governance framework is key to facilitating how residents engage with the decision-making process. A review will provide an opportunity for the Council to engage with the public to understand how the framework can ensure that residents can participate in these processes to increase their confidence that decisions are robust and transparent.

### **Implications**

9. There are no implications to this Report in relation to:

- Finance
- Human Resources (HR)
- Equalities
- Legal
- Crime and Disorder
- Information Technology (IT)
- Property

## Risk Management Assessment

10. There are no significant risks in undertaking a review. There will need to be careful management of the timescales to comply with the legal requirements of the Localism Act 2011 especially in relation to any proposed changes to the decision-making arrangements and to take account of the meeting dates of various Council committees and the Full Council dates.

## Recommendations

11. (i) That the Report be noted.
- (ii) That the Committee considers how it wishes to undertake its role to meet the Committee's obligations set out in the Council's Constitution and paragraph 5 of this report.

Reason: To ensure that the Audit & Governance Committee is undertaking its role as set out in the Council's Constitution and paragraph 5 of this report.

## Contact Details

### Author:

Suzan Harrington  
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Legal & Governance  
Tel: (01904) 554587

### Chief Officer Responsible for the report:

Suzan Harrington  
Interim Assistant Director Legal &  
Governance  
Tel: (01904) 554587

Report  Date 9.9.19  
Approved

**Wards Affected:** List wards or tick box to indicate all

All

**For further information please contact the author of the report**

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Audit and Governance Committee

18 September 2019

Report of the Interim Assistant Director – Legal and Governance

## **Information Governance and Complaints**

### **Summary**

1. This report provides Members with updates in respect of:
  - Information governance performance
  - ICO decision notices
  - Publication Scheme and publishing responses
  - LGSCO Complaints from April 2019 to date of this report

### **Information Governance Performance**

2. The council publishes performance data on timeliness for responding to requests made under Freedom of Information Act (FOI), Environmental Information Regulations (EIR) and Data Protection Act subject access to records requests (SARs), via the York Open Data platform via the below link. The current performance information for Quarter 1 (April to June 2019) are shown in full at Annex 1. This includes the performance information for the same reporting period (April to June 2018) last year for comparison and highlighted are the figures which may be of most interest.

<https://data.yorkopendata.org/group/freedom-of-information>

3. The Council's performance for responding in time to FOI, EIR and SARs has fallen. We have undertaken work to understand this fall and are taking steps to ensure improvements are achieved and sustained. This includes a re-emphasise to all areas via Corporate Management Team, directorate and senior management team meetings of the compliance requirement to respond to FOI, EIR and SARs in a timely way.

4. Following requests for comparator performance, we have shown below information we have been provided from WYLAW

<b>WYLAW – April 2018 to 31<sup>st</sup> March 2019</b>		
	<b>FOI</b>	<b>EIR</b>
<b>BRADFORD</b>	1502	404
<b>CALDERDALE</b>	1417	67
<b>KIRKLEES</b>	1365	295
<b>LEEDS</b>	2455*	
<b>WAKEFIELD</b>	1492	12
<b>YORK</b>	1479	589
<b>WYCA</b>	74	13

\* Leeds - separate requests - estimated split (last year) 75% FOI/25% EIR

We do not FOI/EIR

### **ICO decision notices**

5. If someone is unhappy with the response they receive in relation to an FOI or EIR request there is an opportunity to seek an internal review and then to complain to the ICO. The ICO publishes their decision notices and these are all available at <http://search.ico.org.uk/ico/search/decisionnotice>
6. There has been one ICO decision notice in Quarter 1 and a summary is shown at Annex 2 and the full published report at Annex 2a.
7. I can confirm that from this decision notice, we complied in full and in time with the recommendations.

## **Publication Scheme including publishing responses**

8. Due to resource and workload pressures we have fallen significantly behind in publishing FOI and EIR responses on the council's website. However we have taken the opportunity to link up with the work required to ensure we meet the forthcoming new website accessibility standards in regard to publishing "pdf" documents on a website. We are therefore planning to update the current website pages with FOI and EIR responses by the end of September 2019 and work with the web content team to ensure we are compliant with the new accessibility standards by March 2020.
9. We have also taken the opportunity to review the council's publication scheme to ensure it meets the requirements as set out in FOI Act as well as the ICO's model publication scheme requirements for local authorities. The reviewed publication scheme will be taken to the Corporate Management Team for approval and then will be published on the council's website.

## **Complaints**

10. The cases where the Local Government and Social Care Ombudsman (LGSCO) have made since April 2019 to the date of this report are shown at Annex 3.
11. The annex details the decisions and actions recommended by the LGSCO.
12. The information governance and complaint team continue to work with the Corporate Management Team, Directorate Management Teams as well as with individual service areas to identify areas for improvement or shared learning opportunities.
13. The annual complaint report covering corporate complaints, adults social care and childrens social care complaints will be sent onto this Committee after it has been to full Council.

## **Consultation**

14. Not relevant for the purpose of this report.

### **Options**

15. Not relevant for the purpose of this report.

### **Analysis**

16. Not relevant for the purpose of this report.

### **Council Plan**

17. The council's information governance framework offers assurance to its customers, employees, contractors, partners and other stakeholders that all information, including confidential and personal information, is dealt with in accordance with legislation and regulations and its confidentiality, integrity and availability is appropriately protected.

### **Implications**

18. Relevant implications are set out in the body of the report

### **Risk Management**

19. The council may face financial and reputational risks if the information it holds is not managed and protected effectively. For example, the ICO can currently impose civil monetary penalties up to 20million euros for serious data security breaches The failure to identify and manage information risks may diminish the council's overall effectiveness. Individual(s) may be at risk of committing criminal offences.

### **Recommendations**

20. Members are asked:

- To note the performance levels.
- To note the details contained in this report.

Reason: To keep Members updated.



Contact Details

**Author:**

Lorraine Lunt  
Information Governance &  
Feedback Team Manager  
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**Chief Officer Responsible for the report:**

Suzan Harrington, Interim Assistant  
Director – Legal and Governance  
Telephone: 01904 554587

Report  
Approved

Date 4 September  
2019

**Wards Affected:** List wards or tick box to indicate all

All

For further information please contact the author of the report

**Annexes**

Annex 1 – Information Governance Performance

Annex 2 – ICO decision notices - summaries

Annex 2a – ICO decision notices – full

Annex 3 – LGSCO decisions – April 2019 to date of this report

**Background Information**

Not applicable

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	Annex 1	
Definition	2018/19 - Q1	2019/20 - Q1
% of ST1 complaints responded to within 5 days	39.60%	56.10%
<b>FOI &amp; EIR - Total Received - (YTD)</b>	<b>554</b>	<b>455</b>
FOI (Freedom of Information) - Total Received - (YTD)	363	330
EIR (Environmental Information Regulations) - Total Received - (YTD)	191	125
FOI & EIR - Total Received	554	455
FOI (Freedom of Information) - Total Received	363	330
EIR (Environmental Information Regulations) - Total Received	191	125
FOI & EIR - In time - (YTD)	514	366
<b>FOI &amp; EIR - % In time - (YTD)</b>	<b>92.80%</b>	<b>80.40%</b>
FOI (Freedom of Information) - In time - (YTD)	331	258
FOI (Freedom of Information) - % In time - (YTD)	91.20%	78.20%
EIR (Environmental Information Regulations) - In time - (YTD)	183	108
EIR (Environmental Information Regulations) - % In time - (YTD)	95.80%	86.40%
FOI & EIR - In time	514	366
FOI & EIR - % In time	92.80%	80.40%
FOI (Freedom of Information) - In time	331	258
FOI (Freedom of Information) - % In time	91.20%	78.20%
EIR (Environmental Information Regulations) - In time	183	108
EIR (Environmental Information Regulations) - % In time	95.80%	86.40%
FOI & EIR - Out of time - (YTD)	40	89
FOI & EIR - % Out of time - (YTD)	7.20%	19.60%
FOI (Freedom of Information) - Out of time - (YTD)	32	72
FOI (Freedom of Information) - % Out of time - (YTD)	8.80%	21.80%
EIR (Environmental Information Regulations) - Out of time - (YTD)	8	17
EIR (Environmental Information Regulations) - % Out of time - (YTD)	4.20%	13.60%
FOI & EIR - Out of time	40	89
FOI & EIR - % Out of time	7.20%	19.60%
FOI (Freedom of Information) - Out of time	32	72
FOI (Freedom of Information) - % Out of time	8.80%	21.80%
EIR (Environmental Information Regulations) - Out of time	8	17
EIR (Environmental Information Regulations) - % Out of time	4.20%	13.60%
<b>DP (Data Protection Act) / SAR (Subject Access Request) - Total Received - (YTD)</b>	<b>35</b>	<b>44</b>
DP (Data Protection Act) / SAR (Subject Access Request) - In time - (YTD)	29	33

DP (Data Protection Act) / SAR (Subject Access Request) - % In time - (YTD)	82.80%	75.00%
DP (Data Protection Act) / SAR (Subject Access Request) - Out of time - (YTD)	6	11
DP (Data Protection Act) / SAR (Subject Access Request) - % Out of time - (YTD)	17.10%	25.00%
DP (Data Protection Act) / SAR (Subject Access Request) - Total Received	35	44
DP (Data Protection Act) / SAR (Subject Access Request) - In time	29	33
DP (Data Protection Act) / SAR (Subject Access Request) - % In time	82.80%	75.00%
DP (Data Protection Act) / SAR (Subject Access Request) - Out of time	6	11
DP (Data Protection Act) / SAR (Subject Access Request) - % Out of time	17.10%	25.00%

## Summary of ICO decision notices from April to June 2019

City of York Council - 23 Apr 2019

The complainant requested from City of York Council (the Council) information related to procurement “low risk” contracts above £30,000 and below £100,000. The Council refused to comply with the complainant’s request relying on section 21 as it considered the information requested to be reasonably accessible to the complainant. The Commissioner’s view is that the complainant’s request was not clear since there was more than one objective reading of the request, therefore the Council was under an obligation under section 16(1) of the FOIA to contact the complainant under section 1(3) to seek clarification of the request. In failing to do so, the Council breached section 16(1) of the FOIA. The Commissioner requires the Council to write to the complainant seeking clarification of the request in relation to “ date and responsible staffer” and “ entire financial year”. The Council must take these steps within 35 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of the Act and may be dealt with as a contempt of court.

Complaint upheld

Decision notice FS50769503

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Reference: FS50769503



## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 23 April 2019

**Public Authority:** City of York Council  
**Address:** West Offices  
Station Rise  
York  
YO1 6GA

#### Decision (including any steps ordered)

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1. The complainant requested from City of York Council (the Council) information related to procurement "low risk" contracts above £30,000 and below £100,000. The Council refused to comply with the complainant's request relying on section 21 as it considered the information requested to be reasonably accessible to the complainant.
2. The Commissioner's view is that the complainant's request was not clear since there was more than one objective reading of the request, therefore the Council was under an obligation under section 16(1) (advice and assistance) of the FOIA to contact the complainant under section 1(3) to seek clarification of the request. In failing to do so, the Council breached section 16(1) of the FOIA.
3. The Commissioner requires the Council to take the following steps to ensure compliance with the legislation.
  - Write to the complainant seeking clarification of the request in relation to "*date and responsible staffer*" and "*entire financial year*".
4. The Council must take these steps within 35 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of the Act and may be dealt with as a contempt of court.

## Background information

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5. The previous request was made by the complainant on 26 November 2017 and requested information of the following description:

*"In your report to A&G 16 Dec 2016 pg 27, you say that for 'smaller value or low risk contracts usually less than £30k' the rules are that 3 formal written quotes are required, retained and recorded on the contract register.*

*For the year sept 2016-2017 please provide the following*

- 1. All records of all contracts £30k and above that were issued on the basis of three written quotes (as against 'formal invite', as in your report for £30-£100k alludes)*
  - 2. Please provide a link to these contracts on the contracts register*
  - 3. Please produce the policy and practice guidelines on what a 'low risk' contract is, and what system/person designates that a contract is 'low risk' and authorities for sign off.*
  - 4. In total how much was spent on contracts £30k and above which did not go through the more rigorous steps for seemingly £30-£100k, which includes evaluation of the bids (quite shocking this isn't done for all contracts)*
  - 5. As the Governance Risk and Assurance Group is key here, please provide the job titles and department of the members of that group, together with its terms of reference."*
6. In its response of 21 February 2018, the Council responded in relation to all 5 questions raised including certain clarifications. In response to parts 1 and 2 of the request the Council provided the complainant with a link to the contract register. In relation to part 3 of the request, the Council asserted that there is no single policy that determines the evaluation criteria and sign-off procedures and explained the procurement procedure. In response to part 4 of the request, the Council stated that the answer is "*£0, as every bid, quote or tender is evaluated*", whilst regarding part 5 of the request the Council provided a separate document containing the requested information.
7. The Council also advised the complainant that should they be dissatisfied with the response, to raise a complaint with the Commissioner. Upon receiving the outcome of the internal review, the complainant did not submit a complaint to the Commissioner about this information request.



Reference: FS50769503



## Request and response

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8. On 24 May 2018, referring to the previous request quoted above at paragraph 5, the complainant wrote to the Council and requested information in the following terms:

*"Please can you replicate this foi but also add the date and responsible staffer this time please, to include the entire financial year would be very helpful."*

9. On 21 June 2018 the Council responded. It refused to provide the requested information stating that this information is exempt under section 21 as it considered it to be reasonably accessible to the complainant, on the basis that the requested information was available online.
10. The complainant requested an internal review on 15 July 2018.
11. The Council provided the complainant with the outcome of its internal review on 23 July 2018. It upheld its original position.

## Scope of the case

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12. The complainant contacted the Commissioner on 25 July 2018 to complain about the way her request for information had been handled.
13. The Commissioner noted that, in addition to asking a replication of the previous request of 26 November 2017 but for a different time frame, the complainant also requested to add *"date and responsible staffer"* and *"to include the entire financial year"*.
14. Upon reviewing submissions of the parties in this case, the Commissioner's view is that the complainant's request to *"add the date and responsible staffer"* and *"to include the entire financial year"* was not sufficiently clear. Given this, she considered whether the Council was under an obligation under section 16 to seek clarification from the complainant about the request before proceeding with it.
15. The following analysis covers:
- Whether request had more than one objective reading and, if it did;
  - Whether the Council took adequate steps to clarify the request.

## Reasons for decision

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### Section 16 - Duty to provide advice and assistance

16. Section 16 of the FOIA states that:

- 1) It shall be the duty of a public authority to provide advice and assistance, so far as it would be reasonable to expect the authority to do so, to persons who propose to make, or have made, requests for information to it.
- 2) Any public authority which, in relation to the provision of advice or assistance in any case, conforms with the code of practice under section 45 is to be taken to comply with the duty imposed by subsection (1) in relation to that case.

17. Section 16 refers to the "code of practice". This refers to the code of practice issued by the government under section 45 of the FOIA, which provides standards and guidance on how a public authority should discharge its duties under Part 1 of the FOIA. The latest version is dated 4 July 2018 and is called the *Freedom of Information Code of Practice*; however, the Commissioner notes that the version in force at the date of the complainant's request dates from November 2014 and was entitled *The Secretary of State for Constitutional Affairs' Code of Practice on the discharge of public authorities' functions under Part 1 of the Freedom of Information Act 2000* ("the code").

18. As stated in the code, one of its aims is to "*protect the interests of applicants by setting out standards for the provision of advice which it would be good practice to make available to them*".

19. The Commissioner has published guidance on interpreting and clarifying requests<sup>1</sup>, where it is stated that public authorities must interpret information requests objectively. They must avoid reading into the request any meanings that are not clear from the wording.

20. The guidance provides that "*if a public authority can objectively read an information request in more than one way it may need further information in order to identify the information requested. Section 16 requires a public authority to assist the applicant to clarify the request under these circumstances*". It should not guess which interpretation is correct.

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<sup>1</sup> <https://ico.org.uk/media/for-organisations/documents/1162/interpreting-and-clarifying-a-request-foia-eir-guidance.pdf>

21. In this case, as set out above, the request was made on 24 May 2018 and sought to replicate a previous request followed by "*the date and responsible staffer*" and "*to include the entire financial year*".
22. As the Commissioner's guidance makes clear, the code does not require a public authority to assist applicants in describing the information more clearly if it can deal with the request as it has been presented.
23. However, going back to the text of the present request, the Commissioner notes that its formulation lacks clarity and provides different possibilities of interpretation. When read objectively, the last parts of the request which state "*add the date and responsible staffer*" and "*include the entire financial year*" are not clear.
24. Firstly, it is not clear what the complainant meant by "*date*". Whether it was date when the contracts were awarded or the commencing date of contracts or when they were actually completed. Similarly, it was not sufficiently clear what the complainant meant by "*responsible staffer*" and which financial year she was referring to.
25. Having examined the submissions of both parties, the Commissioner notes that the Council did not make any attempt, at any stage of the handling of this request, to seek clarification from the complainant.
26. By omitting to do so, the Commissioner finds that the Council failed to comply with the requirements stipulated in section 16(1) of the FOIA. At paragraph 3 above the Council is now required to write to the complainant and seek clarification about her request.

**Right of appeal**

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27. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)  
GRC & GRP Tribunals,  
PO Box 9300,  
LEICESTER,  
LE1 8DJ

Tel: 0300 1234504  
Fax: 0870 739 5836  
Email: [GRC@hmcts.gsi.gov.uk](mailto:GRC@hmcts.gsi.gov.uk)  
Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

28. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.

29. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

**Signed .....**

**Ben Tomes  
Team Manager  
Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF**

LGSCO Ref	Service Area	Directorate	Summary of Final Decision	Actions	Date of Final Decision	Actions Complete	Actions completed in time Y/N	Decision
18013230	Planning and Environment	EAP	Mr X complained the Council failed to notify him about a neighbour's planning application. He also complained the Council took too long to respond to his complaint about the matter and gave him inaccurate information. We cannot say whether the Council sent a notification letter to Mr X's property. It appropriately considered the impact of the development on residential amenity. It unacceptably delayed responding to his complaint causing him frustration. It has apologised to him for this. This is sufficient to remedy the injustice caused.	Apology already issued.	24/04/2019	Yes	Yes	Upheld: Maladministration & No Injustice
18009620	Mental Health/ Safeguarding	HHASC	The Ombudsmen will not investigate a complaint about the care the complainants' son received in supporting living. The complaint is late and there are insufficient grounds to accept it now.	Case closed	02/05/2019	N/A	N/A	Closed after initial enquiries - No further action

18010841	Planning and Environment	EAP	There was fault in the time it was taking the Council to make an order on Mr X's application to change the rights of way map. The Council agreed to apologise to Mr X and pay him £250 in recognition of the avoidable distress and uncertainty caused by its delay. The Council also agreed to review its rights of way of service with the aim of reducing its backlog of applications.	<ul style="list-style-type: none"> <li>• To write to Mr X to apologise for both its delay in making an order on his DMMO application and the frustration caused by its failure to provide a reasonable timescale for carrying out the Secretary of State's direction.</li> <li>• To pay Mr X £250 in recognition of the avoidable distress caused by the delay and continuing uncertainty about the legal existence of the claimed right of way.</li> <li>• Start and finish a review of the DMMO service with the aim of reducing the DMMO backlog. (Such review could include consideration of current staffing levels, work practices, policies and procedures and how other local authorities have dealt with similar backlogs.)</li> </ul>	09/05/2019	Yes	Yes	Upheld: Maladministration & Injustice
19003573	Housing registrations	HHASC	Miss X complained about the Council's assessment of her housing application. The Ombudsman should not investigate this complaint. This is because there is insufficient evidence of fault on the Council's part which would warrant an investigation.	Case Closed	11/07/2019	N/A	N/A	Closed after initial enquiries - No further action
19003226	Transport	EAP	The Ombudsman will not investigate this complaint about the Council's response to the complainant's suggestion it should create a mini roundabout. It is unlikely he would find fault by the Council had caused the complainant significant injustice.	Case Closed	17/07/2019	N/A	N/A	Closed after initial enquiries - No further action

19003108	Finance	CCS	The Ombudsman will not investigate Mrs A's complaint that the Council has failed to include all her son's, Mr B's, Disability Related Expenditure (DRE) in his financial assessment. This is because there is no evidence of fault having caused a significant enough injustice to Mr B warranting an Ombudsman investigation.	Case Closed	22/07/2019	N/A	N/A	Closed after initial enquiries - No further action
18008246	Children's safeguarding	CCS	Ms X complained about the Council's investigation into its handling of a single assessment it carried out on her and her child, A, in 2016. The Council was at fault. The Statutory investigation found it failed to provide Ms X with a copy of the single assessment until 2018 and failed to adequately respond to her stage 1 complaints. The Council also failed to adequately respond to Ms X's request for counselling and therapy for A. The Council agreed to apologise and pay Ms X a total of £400 to recognise the upset, frustration and avoidable time and trouble caused by its failings.	Payment and apology made	25/07/2019	15/08/2019	Yes	Upheld maladministration & injustice
18016098	Adult Finance	HHASC	We do not uphold Mr and Mrs X's complaint about their care charges.	Case Closed	09/08/2019	N/A	N/A	Not upheld; No maladministration

18019666	Waste	EAP	Ms X complained the Council's assisted collection scheme repeatedly failed to collect her recycling bin and did not always return the bin to the right place. The Ombudsman found the Council was at fault.	Pay Ms X £100, to remedy her avoidable time and trouble in having to repeatedly report missed bin collections to the Council.	16/08/2019	Yes	Yes	Upheld maladministration & injustice
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**Audit and Governance Committee**

18 September 2019

Report of the Corporate Finance and Commercial Procurement Manager  
(Interim S151 officer)

**Audit & Governance Committee Forward Plan to July 2020****Summary**

1. This paper presents the future plan of reports expected to be presented to the Committee during the forthcoming year to July 2020.

**Background**

2. There are to be six fixed meetings of the Committee in a municipal year. To assist members in their work, attached as an annex is the indicative rolling forward plan for meetings up to July 2020. This may be subject to change depending on key internal control and governance developments at the time. A rolling forward plan of the Committee will be reported at every meeting reflecting any known changes.
3. A number of amendments have been made to the forward plan since the last version was presented to the Committee in July. A report on the review of the implementation of Social Media policy has been added to the December meeting, along with a report on the updated Whistleblowing policy and an update report on Settlement Agreements and Non-Disclosure Clause. At Members request, the review of the effectiveness of the Audit & Governance Committee report has also been deferred to the December meeting.

**Consultation**

4. The forward plan is subject to discussion by members at each meeting, has been discussed with the Chair of the Committee and key corporate officers.

**Options**

5. Not relevant for the purpose of the report.

### **Analysis**

6. Not relevant for the purpose of the report.

### **Council Plan**

7. This report contributes to the overall effectiveness of the council's governance and assurance arrangements contributing to an 'Effective Organisation'.

### **Implications**

8.
  - (a) **Financial** - There are no implications
  - (b) **Human Resources (HR)** - There are no implications
  - (c) **Equalities** - There are no implications
  - (d) **Legal** - There are no implications
  - (e) **Crime and Disorder** - There are no implications
  - (f) **Information Technology (IT)** - There are no implications
  - (g) **Property** - There are no implications

### **Risk Management**

9. By not complying with the requirements of this report, the council will fail to have in place adequate scrutiny of its internal control environment and governance arrangements, and it will also fail to properly comply with legislative and best practice requirements.

### **Recommendations**

10.
  - (a) The Committee's forward plan for the period up to July 2020 be noted.

Reason: To ensure the Committee receives regular reports in accordance with the functions of an effective audit committee.

- (b) Members identify any further items they wish to add to the Forward Plan.

Reason: To ensure the Committee can seek assurances on any aspect of the council's internal control environment in accordance with its roles and responsibilities.

### Contact Details

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Procurement Manager  
(Interim S151 officer)  
Telephone: 01904 551100

**Report  
Approved**



**Date**  
9/9/19

### Specialist Implications Officers

None

**Wards Affected:** Not applicable

**For further information please contact the author of the report**

### Background Papers:

None

### Annex

Annex A- Audit & Governance Committee Forward Plan to July 2020

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## Audit & Governance Committee Draft Forward Plan to July 2020

Training/briefing events will be held at appropriate points in the year to support members in their role on the Committee.

Item	Lead officers	Other contributing Organisations	Scope
<b>Committee December 2019</b>			
Key Corporate Risks Monitor 3	<u>CYC</u> Sarah Kirby		Update on Key Corporate Risks (KCRs) including: KCR 8 - LOCAL PLAN: Failure to develop a Local Plan could result in York losing its power to make planning decisions and potential loss of funding
Mazars Audit Progress Report	<u>Mazars</u> – Mark Dalton/ Mark Kirkham		To present a report summarising the outcome of the 2018/19 audit and work on the value for money conclusion.
Treasury Management Mid year review 19/20 and review of prudential indicators	<u>CYC</u> Debbie Mitchell		To provide an update on treasury management activity for the first six months of 2019/20
Internal Audit & Fraud progress report	<u>Veritau</u> – <u>Max Thomas/</u> <u>Richard Smith</u>		An update on progress made in delivering the internal audit work plan for 2019/20 and on current counter fraud activity
Review of the effectiveness of the Audit & Governance Committee	<u>Veritau</u> – Max Thomas/ Richard Smith		Review of the effectiveness of committee - committee to determine approach.
Updated Whistleblowing policy	<u>Veritau</u> – Max Thomas/ Richard Smith		An update on the Whistleblowing policy

Review of the implementation of the social media policy	<u>CYC</u> Pauline Stuchfield and Claire Foal		Review of the implementation of the social media policy
Information Governance & Complaints	<u>CYC</u> Lorraine Lunt		To provide Members with an update on current information governance issues.
Settlement Agreements and Non-Disclosure Clause	<u>CYC</u> Trudy Forster		To provide Members with an update on the agreed reporting process and business case to Staffing Matters & Urgency Committee.
<b>Committee February 2020</b>			
Scrutiny of the Treasury Management strategy statement and Prudential indicators	<u>CYC</u> Debbie Mitchell		To provide an update on treasury management activity for the first six months of 2018/19
Mazars Audit Progress Report	<u>Mazars</u> – Mark Dalton/ Mark Kirkham		To present a report summarising the outcome of the 2017/18 audit and work on the value for money conclusion.
Counter Fraud: Risk Assessment & Review of policies	<u>Veritau</u> – Max Thomas/ Richard Smith		An update to the committee on counter fraud arrangements and action taken as part of the counter fraud strategy. To include a review of the fraud risk assessment and any updates to the counter fraud strategy and policy.
Audit & Counter Fraud Plan & Consultation	<u>Veritau</u> – Max Thomas/ Richard Smith		Consultation with the committee on its priorities for internal audit and counter fraud work for 2019/20.
Information Governance & Complaints	<u>CYC</u> Lorraine Lunt		To provide Members with an update on current information governance issues.
<b>Committee April 2020</b>			
Key Corporate Risks Monitor 4	<u>CYC</u> Sarah Kirby		Update on Key Corporate Risks (KCRs) including: KCR 9 - COMMUNITIES: Failure to ensure we have resilient, cohesive, communities who are empowered and able to shape and deliver services

Mazars Audit Progress Report	<u>Mazars</u> – Mark Kirkham, Mark Dalton		To present a report summarising the outcome of the 2018/19 audit and work on the value for money conclusion.
Internal Audit Follow up of Audit Recommendations Report	<u>Veritau</u> – <u>Max Thomas/</u> <u>Richard Smith</u>		This is the regular six monthly report to the committee setting out progress made by council departments in implementing actions agreed as part of internal audit work
Internal Audit & Fraud Plan Progress Report	<u>Veritau</u> – <u>Max Thomas/</u> <u>Richard Smith</u>		An update on progress made in delivering the internal audit work plan for 2018/19 and on current counter fraud activity
Approval of Internal Audit Plan	<u>Veritau</u> – <u>Max Thomas/</u> <u>Richard Smith</u>		
Information Governance & Complaints	<u>CYC</u> Lorraine Lunt		To provide Members with an update on current information governance issues.
<b>Committee June 2020</b>			
Draft Statement of Accounts incl. Annual Governance Statement	<u>CYC</u> Emma Audrain/ Debbie Mitchell		To present the draft Statement of Accounts to the Committee prior to the 2018/19 Audit including the Annual Governance Statement
Annual Report of the Audit & Governance Committee	<u>CYC</u> Emma Audrain/ Debbie Mitchell		To seek Members' views on the draft annual report of the Audit and Governance Committee for the year ended March 2020, prior to its submission to Full Council.
Treasury Management Outturn Report	<u>CYC</u> Emma Audrain/ Debbie Mitchell		To provide Members with an update on the Treasury Management Outturn position for 2018/19.
Key Corporate Risks Monitor 1	<u>CYC</u> Sarah Kirby		Update on Key Corporate Risks (KCRs) including: KCR 10
Mazars Audit Progress Report	<u>Mazars</u> – Mark Kirkham, Mark Dalton		Update report from external auditors detailing progress in delivering their responsibilities as the Council's external auditors
Annual Report of the Head	<u>Veritau</u> –		This report will summarise the outcome of audit and counter fraud

of Internal Audit	<u>Max Thomas/</u> <u>Richard Smith</u>		work undertaken in 2018/19 and provide an opinion on the overall adequacy and effectiveness of the council's framework of governance, risk management and internal control
<b>Committee July 2020</b>			
Mazars Audit Completion Report	<u>Mazars</u> – Mark Kirkham		Report from the Councils external auditors setting out the findings of the 2019/20 Audit.
Final Statement of Accounts	<u>CYC</u> Emma Audrain/ Debbie Mitchell		To present the final audited Statement of Accounts following the 2019/20 Audit.
Information Governance & Complaints	<u>CYC</u> Lorraine Lunt		To provide Members with an update on current information governance issues.
<b>Other Items to be brought to the Committee - date</b>			