



**Notice of a public meeting of  
Audit & Governance Committee**

<b>To:</b>	Councillors N Barnes (Chair), Dew (Vice-Chair), Cullwick, Fenton, Gunnell, Kramm and Lisle Mr Mendus and Mr Bateman
<b>Date:</b>	Tuesday, 10 May 2016
<b>Time:</b>	5.30 pm
<b>Venue:</b>	The Craven Room - Ground Floor, West Offices (G048)

**AGENDA**

**1. Declarations of Interest**

Members are asked to declare:

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

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

**2. Minutes (Pages 1 - 10)**

To approve and sign the minutes of the meeting held on 13 April 2016.

**3. Public Participation**

At this point in the meeting members of the public who have registered their wish to speak regarding an item on the agenda or an issue within the Committee's remit can do so. The deadline for registering is **5:00 pm on Monday 9 May 2016.**

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

Please note this meeting will be filmed and webcast and that includes any registered public speakers, who have given their permission. This broadcast can be viewed at <http://www.york.gov.uk/webcasts>

Residents are welcome to photograph, film or record Councillors and Officers at all meetings open to the press and public. This includes the use of social media reporting, i.e. tweeting. Anyone wishing to film, record or take photos at any public meeting should contact the Democracy Officer (whose contact details are at the foot of this agenda) in advance of the meeting.

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 [https://www.york.gov.uk/downloads/file/6453/protocol\\_for\\_webcasting\\_film\\_and\\_recording\\_council\\_meetingspdf](https://www.york.gov.uk/downloads/file/6453/protocol_for_webcasting_film_and_recording_council_meetingspdf)

### **4. Matter Referred from Executive - Public Interest Report City of York Trading (Pages 11 - 24)**

Members are asked to consider the resolution referred by Executive to the Audit and Governance Committee on 28 April 2016. A copy of the report that was considered by Executive is also included for information.

### **5. Treasury Management Annual Report and Review of Prudential Indicators 2015/16 (Pages 25 - 38)**

This paper presents the draft Treasury Management Annual Report and Review of Prudential Indicators 2015/16 which provides Members with an update on treasury management activity.

### **6. Update on Information Governance (Pages 39 - 96)**

This report provides Members with:

- a progress update on the Information Commissioners Office (ICO) audit recommendations and action plan
- an update on information governance
- the Council's plans to meet the request to provide details of ICO cases where the outcome was against the Council

**7. Project Management Report (Pages 97 - 142)**

This report presents an update on the project management framework to inform Members of areas of the framework that are being strengthened and to provide an update on major projects.

**8. Sickness Absence Management (Pages 143 - 152)**

This report responds to the specific issues identified in the Attendance Management (follow-up) memo dated 18<sup>th</sup> January 2016. It also outlines the wider actions and plans in place to manage sickness absence in the council, including the implementation of iTrent absence management, which is a recommendation of the audit and will improve the recording of sickness absence across the council.

**9. Council Motions (Pages 153 - 156)**

This paper is presented in response to a request from the committee to receive a report on the process for implementing and actioning Council motions.

**10. Group Leaders' Meetings (Pages 157 - 160)**

This report responds to Members' requests for a report on the terms of reference of the Group Leaders' meeting and its role in Local Democracy.

**11. Scheme of Delegations (Pages 161 - 184)**

This report seeks Members' views on changes to the Officer Scheme of Delegations.

**12. Audit and Governance Committee's Forward Plan (Pages 185 - 192)**

This paper presents the future plan of reports expected to be presented to the committee during the forthcoming year to February 2017.

**13. Urgent Business**

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

Democracy Officer:  
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Email – [jayne.carr@york.gov.uk](mailto:jayne.carr@york.gov.uk)

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

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports and
- For receiving reports in other formats

Contact details are set out above.

**This information can be provided in your own language.**

我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

Ta informacja może być dostarczona w twoim własnym języku. (Polish)

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (بولی) میں بھی مہیا کی جا سکتی ہیں۔ (Urdu)

 **(01904) 551550**

City of York Council

Committee Minutes

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Meeting	Audit & Governance Committee
Date	13 April 2016
Present	Councillors N Barnes (Chair), Dew (Vice-Chair), Cullwick, Fenton, Gunnell, Kramm and Lisle Mr Bateman and Mr Mendus

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### **57. 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 Barnes declared a prejudicial interest in respect of agenda item 9 (Mazars Audit Strategy Memorandum) as his employer was a sponsor of one of the future occupants of the Community Stadium and Mazars were proposing to carry out an audit of this project. Councillor Barnes stated that he would withdraw from the meeting for the item and Councillor Dew would take the Chair.

### **58. Minutes**

Resolved: That the minutes of the meeting of 10 February 2016 be approved and signed as a correct record.

### **59. Public Participation**

It was reported that there had been two registrations to speak at the meeting under the Council's Public Participation Scheme and that one Member of Council had also registered to speak.

Ms Gwen Swinburn spoke on the following issues:

- Referring to the Public Interest Report, Ms Swinburn expressed concern that an item had not been included on the agenda to bring forward the governance review. She stated that many of the recommendations contained within the Public Interest Report fell within the committee's remit.

Ms Swinburn informed the committee that members of the community, herself included, would be willing to take part in the governance review.

- Referring to the proposed audits to be carried out by the internal and external auditors, Ms Swinburn stated that more rigorous processes, for example scoring systems, should be put in place in identifying priorities for audit. She welcomed the more in depth audit of the Community Stadium project that was being proposed.
- Referring to agenda item 6, Ms Swinburn expressed concern that the audit reports had been made available online and had not been included in the paper copies of the agenda. She stated that this agenda item should be made clearer to enable full consideration to be given to the audit reports.

Mr Whiteley raised the following issues:

- He paid tribute to the work that Mazars had carried out regarding the Public Interest Report. He drew attention to the costs of this work, including the legal fees. He expressed concern at events that had occurred at the Full Council meeting at which the report had been considered and at the subsequent editing of the webcast.
- Mr Whiteley stated that he was also concerned about the way in which information was presented to the committee and issues in respect of agenda management.

Councillor Warters raised the following issues:

- He stated that he was pleased to note that Mazars would be carrying out a review of the Community Stadium project and stressed the importance of ensuring that this was a detailed and forensic examination. He expressed his concern at the financial costs of the project and stated that there was a need to ensure that residents received value for money.
- Councillor Warters commented on the costs of the Public Information Report and associated legal costs. He also referred to the legal costs arising from the decision to initially edit the webcast of the Council meeting.
- Referring to agenda item 6, Councillor Warters expressed his concerns regarding the scratch card car park permit scheme and the potential for abuse of the system that was in place.

**60. Audit and Governance Committee's Forward Plan**

Members considered a paper which presented the future plan of reports expected to be presented to the committee during the forthcoming year to February 2017. It was noted that an additional meeting had been convened in view of the number of items on the Forward Plan.

Members were invited to identify any further items they wished to see added to the Forward Plan.

The Chair confirmed that, as requested at the previous meeting, arrangements were being made for the committee to meet in private with the external and internal auditors. As part of the committee's development plan, training sessions were also to be offered on the Statement of Accounts and the Annual Governance Statement.

Referring to the resolution that had been passed by Full Council referring the recommendations arising from the Public Interest Report to the Executive, Members requested that they be informed of the timescale within which the recommendations were to be addressed. Members also requested that the committee be involved in the monitoring of progress in implementing the recommendations.

Concerns were raised regarding issues that had arisen at the Full Council meeting on 24 March 2016 under the public participation item and the subsequent editing of the webcast of the meeting. Members requested that they receive a briefing on the issues that had arisen, including details of the relevant protocols and how they had been applied. The Chair agreed to raise these issues with the Chief Executive on behalf of the committee.<sup>1</sup>

Members also agreed that, although the protocols on public participation and on webcasting had previously been considered by the Audit and Governance Committee, it might be timely for these to be reviewed to ensure that they were robust.

Members sought clarification regarding the proposed agenda item on the review of the Constitution and the format that this would take. Officers stated that this would be an update report, as the Constitution was being reviewed on a rolling programme. Members questioned whether there was an opportunity to

involve members of the public in this process. The Chair commented that the committee had previously held a public event to look at ways of increasing public involvement in local democracy but it had not been well attended. Further consideration could, however, be given to this matter.

Resolved: That the Forward Plan be approved subject to the inclusion of the following items:

- Review of protocols on Public Participation and Webcasting (June 2016 meeting)<sup>2</sup>

Reason: To ensure that the committee receives regular reports in accordance with the functions of an effective audit committee and can seek assurances on any aspect of the Council's internal control environment in accordance with its roles and responsibilities.

Action Required

1. Raise the issues with the Chief Executive
2. Update Forward Plan

NB  
EA

**61. Internal Audit and Counter Fraud Plan 2016/17**

Members considered a report which sought the committee's approval for the planned programme of internal audit, and counter fraud work to be undertaken in 2016/17.

Officers confirmed that the suggestions put forward by the Committee at the previous meeting had been incorporated into the planned programme of work. Members were informed that the programme focussed on areas considered to be of highest risk but it also needed to be flexible to respond to changing priorities. Any variations to the programme would be reported to the committee.

Referring to the proposed audit of Adult Social Services, Members queried whether the proposed allocation of days would be sufficient in view of the pressures on the portfolio. Officers confirmed that, in addition to the days stated, the portfolio would be subject to audits on cross-directorate issues.

Members suggested that, in carrying out the proposed audits, consideration be given to the following issues:



- The format of ward committee meetings in respect of decision making re ward funding. It was suggested that the audit should also involve discussions with Members.
- The project management qualifications of those involved in this area of work

Officers were asked when the Section 106 agreements audit would be carried out. They stated that no decision had yet been made regarding this matter but the committee would be kept informed.

Members clarified the audit arrangements that were in place in respect of IT in view of the impact that any failure in this area could have on the work of the Council. Officers confirmed that aspects of IT were included in each year's audits.

Members suggested that there was a need to look at ways in which the Council's relationships with outside organisations and bodies such as the West Yorkshire Combined Authority were appropriately audited.

Members queried whether sufficient resources were allocated to audit. Officers stated that the Council had a statutory duty to ensure that an effective audit function was in place and although there were challenges and financial pressures, this duty was recognised when budgets were set. Veritau continued to look for efficiency savings as well as consideration of additional income generation.

Resolved: That the 2016/17 internal audit and counter fraud plan be approved.

Reason: In accordance with the committee's responsibility for overseeing the work of internal audit.

## **62. Audit and Counter Fraud Monitoring Report**

Members considered a report which provided an update on progress made in delivering the internal audit workplan for 2015/16 and on current counter fraud activity.

Noting that copies of the audit reports had been published on-line with paper copies only available on request; discussion took place regarding the format in which Members would wish to

receive future reports. Members made the following requests regarding future Audit and Counter Fraud Monitoring Reports<sup>1</sup>:

- Paper copies to be provided of audit reports which had been given limited or no assurance
- The cover report to list those audit reports that were available on-line only
- Consideration to be given as to whether Members could receive unredacted copies of the reports to enable them to have a greater awareness of the issues that had been identified.
- Consideration to be given as to whether more detailed information could be provided in respect of non-opinion audit work.

Members noted that, in respect of audits completed, it was anticipated that the 93% target for the year would be exceeded by the end of April 2016.

Referring to Annex 3 of the report, officers were asked why savings identified through fraud investigations would not be as high as in 2014/15. They explained that factors such as the responsibility for investigating and prosecuting Housing Benefit Fraud transferring from the Council to the Department for Work and Pensions had impacted on the figures. There had also been two vacancies for fraud investigators, although arrangements were in place for these posts to be filled.

Clarification was sought as to how decisions were made in respect of the deferral of audits. Members were informed that audit plan variations were discussed with the Director of Customer and Business Support Services. Members suggested that, to avoid any potential conflict of interest, it may be appropriate for the Chair of the Audit and Governance Committee to also be consulted.

Members were reminded that, if they had concerns regarding particular audit reports, they could request a report on the issues and ask service managers to attend a meeting to provide information as to the actions that were being taken to address the findings. It was noted that an update report on absence management was due to be considered at the next meeting. Members requested that, when finalised, a report on Section 106 Agreements also be included as an agenda item.<sup>2</sup>

Resolved: That the progress made in delivering the 2015/16 internal audit work programme, and current counter fraud activity be noted.

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

Action Required

- |  |    |
|--|----|
| 1. Consider Committee's requests       | MT |
| 2. Include on committee's Forward Plan | EA |

**63. Internal Audit Follow up Report**

Members considered a regular six monthly report which set out progress made by council departments in implementing actions agreed as part of internal audit work.

Members requested that future reports provided greater detail in respect of the priority 1 and priority 2 actions that had been deferred, including the reasons for the deferral and the revised implementation dates.<sup>1</sup>

Resolved: That the report be noted.

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

Action Required

- |   |    |
|---|----|
| 1. Provide more detailed information re actions with revised implementation dates | MT |
|---|----|

**64. Mazars Audit Progress Report**

Members considered a report from Mazars which provided an update on progress in delivering their responsibilities as external auditors. The report also highlighted key emerging national issues and developments.

It was noted that the Public Interest Report on governance issues in relation to remuneration of council officers for work as Directors of City of York Trading Ltd, had been considered at the Full Council meeting of 24 March 2016 and the recommendations in the report would be followed up. At the request of Members, clarification was given in respect of the

legal fees incurred by Mazars during the work. Members were informed that Mazars were currently awaiting approval of these fees by Public Sector Audit Appointments Ltd but they would form part of Code audit work fees for 2014/15.

Members' attention was drawn to the changes impacting on the public inspection of the accounts, as outlined in the report.

Resolved: That the report be noted.

Reason: To ensure that the committee is kept updated on progress made by the external auditors.

#### **65. Mazars Audit Strategy Memorandum**

*[Councillor Barnes withdrew from the meeting for this item.  
Councillor Dew in the Chair]*

Members considered a report which presented the Audit Strategy Memorandum for City of York Council for the year ending 31 March 2016. The document summarised the audit approach taken by Mazars, highlighted significant audit risks and provided details of the audit team.

Representatives from Mazars drew Members' attention to the significant risks and key judgement areas, as outlined in section 3 of the report, and of the criterion for the value for money conclusion.

Members noted the proposed fees for the audit work, including additional work considered necessary in relation to the value for money conclusion. The work would include:

- A review of the Community Stadium project
- A review of the operation of the first year of the Better Care Fund
- Follow up on progress made on the housing for older people procurement and
- A review of the operation of the improved programme and project management arrangements

Members queried whether Mazars would be considering the risks facing the Council in its dealings with arms length organisations and the associated governance arrangements. They were informed that the recommendations contained within the Public Interest Report did not apply solely to City of York

Trading Ltd and hence the actions arising from the report would have implications in respect of the council's working arrangements with other organisations.

The representatives from Mazars were asked if consideration had been given to the risks involved in respect of the York Central project in view of the significance of the project and the need to ensure that it was steered appropriately. They stated that, at this stage, they did not consider that the project merited a separate audit although it would be included in the work that would be carried out in respect of project management and they would reflect on the issues that Members had raised. Officers commented that no detailed funding arrangements had been agreed at this stage.

Clarification was sought regarding the proposed review of the Community Stadium. Members were informed that the work would be in greater detail than the previous audit and that its scope would be brought to the committee's attention. Factors that had been taken into account when determining that a further review would take place had been the significant change in finance and the change in the project's personnel.

Referring to the section on group audit approach, Members noted that the Council's view was that group accounts were not required for 2015/16 in respect of City of York Trading Ltd and Make it York although the fully audited accounts of all the Council's trading subsidiaries would be made available to Mazars as part of the audit of the Council's accounts. Members sought clarification from Mazars as to the circumstances in which they would challenge the Council's view that the group accounts were not required. They were informed that if the Council increased trading with external organisations this view would need to be reconsidered.

Members suggested that it would be useful if Mazars were able to provide examples of best practice in respect of Annual Governance Statements.

At the request of Members, details were given of the factors that were taken into account when setting the audit fees and determining the scope of the work.

Members requested that the Council provide a cover report in respect of reports presented by Mazars to include recommendations for consideration by the committee.<sup>1</sup>

Resolved: That the report be noted.

Reason: To ensure that the committee is kept updated on progress made by the external auditors.

Action Required

1. Make the necessary arrangements

EA

Councillor N Barnes, Chair

[The meeting started at 5.30 pm and finished at 8.15 pm].

City of York Council

*Extract from Draft Committee Minutes*


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Meeting	Executive
Date	28 April 2016
Present	Councillors Steward (Chair), Aspden (Vice-Chair), Ayre, Brooks, Carr, Gillies, Runciman and Waller
Other Members participating in the meeting	Councillors D'Agorne and Looker
In attendance	Councillors Fenton, Kramm and Richardson

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## **Part B - Matters Referred to Audit & Governance Committee**

### **144. Public Interest Report - City of York Trading (CYT)**

Consideration was given to a report which provided a summary of the actions the Council had either taken or were planning to take in order to address the recommendations in the Public Interest Report; this followed the reports agreement at Council on 24 March 2016.

The Chief Executive presented the report highlighting the changes proposed in relation to the Council approval of the payments made, the governance arrangements, the Officer's Register of Interests, the Council Procedure Rules and the Council's Webcasting Protocol. He confirmed that further reports on a governance structure for external bodies would be brought to the Executive's meeting in June and that the Audit and Governance Committee would be asked to consider changes to the Council's Constitution in the interests of transparency and consistency.

The Chair expressed his support for the proposed changes, in particular the wording of the Council Procedure Rules, to reflect the balance between freedom of speech and effective management of the meeting.

Recommended: That the Audit & Governance Committee consider the changes, suggested in paragraph 23 of the Executive report, to both the Council

Procedures Rules and the Council's  
Webcasting Protocol.

Reason: In the interests of clarity and transparency of  
approach.

Cllr C Steward, Chair

[The meeting started at 5.30 pm and finished at 7.30 pm].





**Executive**

**28 April 2016**

## **Report of the Chief Executive**

### **City of York Trading – Public interest Report**

#### **Summary**

1. This report provides a summary of the actions the Council have either taken or are planning in order to address the 10 specific recommendations in the Public Interest Report. The recommendations are set out within this report following agreement of the Public Interest Report at Full Council on 24<sup>th</sup> March 2016.

#### **Background**

2. This report is submitted in response to the Public Interest Report issued by Mazars, the Council's External Auditor, on 26<sup>th</sup> February. This is included in the Full Council papers of 24<sup>th</sup> March 2016. The Recommendations in the Public Interest Report were welcomed and approved by Council at that meeting, after a full debate in which elected Members (included the Leader, Deputy Leader and Chair of City of York Council Trading Company CYT) reiterated the role of CYT in recruiting and retaining quality staff whilst ensuring front line services profit and thrive. Most importantly, they emphasised the Council's ongoing commitment to fair and transparent governance. Changes had already been introduced to ensure CYT Shareholder's meetings took place in public. In furtherance of this commitment, this report proposes further steps to balance and enhance transparency and openness within an effective and appropriate operating framework. These include revisions to the Council Procedure Rules. In addition to the revisions implemented at the start of the current Municipal Year and the Council's Webcasting Protocol.

#### **Recommendations**

3. The Executive is asked to:
  - (i) note and agree the actions the Council is taking and proposes to take in order to address the Auditor's recommendations in their report, as set out in paragraph 9 below onwards;

- (ii) refer to Audit & Governance Committee for consideration the changes suggested in paragraph 23 below to both the Council Procedures Rules and the Council's Webcasting Protocol, in the interests of clarity and transparency of approach.

Reason: In order to address the recommendations highlighted in the Public Interest Report.

### **Council Approval of the Payments**

- 4. R1 The Council should take steps to rectify the omission of the Council approval for the payments made to the two directors of City of York Trading Ltd in March 2015 for work for the company in 2013/14.
- 5. CYC response - The two directors have voluntarily agreed to repay the payments made to them. Therefore no further action is required. The External Auditor has agreed with this. In the interests of public clarity and transparency, the letter received from the Auditor on this point is attached at Annex 1 to this report.

### **Governance Arrangements**

- 6. R2 Where the Council envisages a role for a committee within a Council-owned trading company to fulfil a Council function, as appears to have been the case with the Shareholder Committee of City of York Trading Ltd, the Council should ensure that the Constitution is amended to reflect this role and that the composition of the Committee is consistent with the Council's decision making and governance arrangements.
- 7. R3 The Council should review its approach to the establishment and governance of Council-owned companies to ensure that it fully reflects good practice and the lessons from this report.
- 8. R4 In the light of the conclusions of the review recommended in R3, the Council should prepare specific guidance to members and officers on their involvement in Council-owned companies.
- 9. CYC response to Recommendations R2/R3/R4 - The Council continues to review the governance of its companies, including consideration of opportunities presented by trading some of its activities through external trading companies. Further reports will be taken to June's Executive which will set out the proposals to create a governance structure to oversee the activity of its current and future external bodies in which the council has an interest.

10. R5 The guidance recommended in R4 should address the conflict of interest risks likely to arise where members and officers hold both Council and Council-owned company roles (unpaid and paid) and set out clear advice on how these should be managed. The guidance should also specifically address how the conflict of interest risks should be managed where the Council officers involved hold one of the three Statutory Officer roles of Head of Paid Service, Chief Finance Officer and Monitoring Officer.
11. CYC response – The recommendation will be addressed when drafting new guidance once R2/3/4 have been completed.
12. R6 The Council should review its arrangements for ensuring that internal legal advice is followed, and that any instances where such advice is not followed are identified.
13. CYC response - This will be managed within the Council's constitutional procedure and where legal advice is prescriptive it will be followed. Legal advice being a judgement based on risk and informed legal opinion. There may be occasions on which more than one legal opinion is valid and the Council will always have the option to seek additional legal advice as appropriate. Having obtained the most informed legal opinions available, the Council will choose to follow such advice as it deems prescriptive at that time.
14. R7 Where there are unusual or sensitive transactions such as the remuneration to Council officers for their work as for a Council-owned trading company, particularly where they take place for the first time, the Council should bring the matter to the auditor's attention during the audit.
15. CYC response – this will be picked up as part of the Council's Statement of Account procedures and any issues discussed with External Audit, see also 17 below.
16. R8 Where senior Council Officers receive remuneration for their work for a Council-owned trading company; the Council should recognise this as a related-party transaction and disclose it in the notes to the financial statements.
17. CYC response –Council Officers will no longer receive payments of this nature with immediate effect.

## Register of Interest

18. R9 The Council should update the officer register of interest form and guidance notes to require disclosure of the value of any remuneration received for an individual officer's role in a Council owned trading company.
19. R10 the Council should review its systems for ensuring that all annual returns are received for the officer register of interests.
20. CYC response to recommendations R9/R10 - New procedures are being put in place to ensure that staff at grade 10 and above complete an annual register of interests declaration. The form and guidance will also be updated to reflect best practice in local government. This will be completed and implemented by 30<sup>th</sup> April 2016. Responsibility will rest with individual officers for complying with the requirement to complete an annual declaration. In addition, the Chief Executive or a member of their staff will monitor these arrangements.
21. As a result of the issues raised in the Public Interest Report, the subsequent discussions, including debate at the Council meeting, and the legal advice received, it has been agreed to review:
  - the Council Procedure Rules; and
  - the Protocol for Webcasting Filming and Recording of Council meetings.

### **Council Procedure Rules:**

22. In the interests of openness and transparency, it is suggested that Council Procedure Rule 14.7 be revised, as follows, to reflect appropriately the balance between freedom of speech and effective management of the meeting. Proposed deletions are show in italics:
23. In exercising his or her public participation rights a member of the public is entitled to express views, positive or negative, about the performance of the Council but must not:
  - Say anything which is defamatory or discriminatory;
  - *Criticise or* make any personal attack on an officer;
  - Disclose confidential or exempt information including personal information *about an individual without that person's consent.*

## **Webcasting Protocol**

24. In an effort to ensure the Council is fully transparent about arrangements for editing the content of webcast or filmed Council meetings, it is proposed that paragraph 7 of the existing 'Protocol for Webcasting, Filming & Recording of Council Meetings', be revised as follows by adding the following provision to the end of paragraph 7:
25. "The Chief Executive will, in consultation with Group Leaders, make the final decision on editing any webcast or filmed material to be broadcast or published in connection with any Council meeting."
26. Annex 2 to this report sets out the full wording of the existing Protocol for Members' ease of reference.
27. Audit & Governance Committee has a role in considering changes to the Council's Constitution and any protocols or procedures it contains. Whilst the Webcasting Protocol is not a constitutional document, given the public nature of the protocol, it is still considered highly appropriate for Audit & Governance Committee to review the proposed change in the interests of both transparency and consistency. The Executive is asked to recommend both the changes outlined in paragraph 23 above to Audit & Governance Committee in May 2016 for consideration and referral to Council in July 2016, as appropriate.
28. The Executive will also make progress reports to the Audit and Governance Committee, where appropriate, seeking their comments in relation to the actions arising from the Public Interest Report and, in turn, the Committee's comments will be reported back to Executive for decision on the recommendations to Council if required.

### ***Contact Details***

#### **Contact Details Author:**

Steve Stewart  
Chief Executive  
Tel No.01904 552000

#### **Chief Officer Responsible for the report:**

Steve Stewart  
Chief Executive

**Report**  
**Approved**

✓

**Date** 19/04/2016

**Wards Affected:                 All   ✓**

For further information please contact the author of the report

**Annexes**

**Annex 1 - Letter received from External Auditors in relation to  
Directors payments**

**Annex 2 - Protocol for Webcasting, Filming and Recording of Council  
Meetings**



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21 March 2016

Dear Steve

### **Recommendation R1 of our public interest report on City of York Trading Ltd**

Thank you for letting me know that the two officers who received payments for their work as directors of City of York Trading Ltd have agreed to repay those amounts to the company. In the light of this, I understand that the Council's view is that, in addressing the first recommendation of our public interest report, it is no longer necessary for the Council to give retrospective approval to the decision of the company to make the payments.

Our recommendation was made so that the position on the payments could be regularised. I confirm that, on the basis that the amounts involved are repaid in full, the objective of the recommendation will have been met and there is therefore no need for the Council to give retrospective approval to the decision of the company to make the payments.

Yours sincerely

A handwritten signature in black ink that reads 'Gareth Davies'.

Gareth Davies

*Partner*

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## ***Protocol for Webcasting, Filming and Recording of Council Meetings***

### **Background**

Local Authorities and the Department for Communities and Local Government have been exploring ways in which residents can be encouraged to participate in local democracy through the provision of filming and recording of Council meetings. The main purpose of webcasting has been to give members of the public the chance to view meetings as they happen without having to attend in person.

Webcasting and the retention of film on the Council's YouTube site does not replace the formal record of meeting and the decisions made. The only formal record of any meeting of a Local Authority is its minutes and agendas which are required to be maintained and retained for a number of years.

### **Protocol**

#### ***Operating Procedure for Filming/Webcasts***

1. At the start of each meeting to be filmed, an announcement will be made to the effect that the meeting is being webcast, and that the Chair may also terminate or suspend the webcast of the meeting, in accordance with this protocol. This will be confirmed by the Chair making the following statement: - "I would like to remind everyone present that this meeting will be broadcast live to the internet and will be capable of repeated viewing."
2. Webcasts will only commence at the beginning of a meeting when the Chair opens the meeting and will finish when the meeting is closed.
3. The Chair has the discretion to terminate or suspend the webcast if in their opinion continuing to webcast would prejudice the proceedings of the meeting. Circumstances that could lead to suspension or termination of webcasting include public disturbance

or other suspension of the meeting or the potential infringement of the rights of any individual.

4. No exempt or confidential agenda items shall be webcast, and no part of any meeting will be webcast after the Council has voted to exclude the press and public because there is likely to be disclosure of exempt or confidential information.
5. Anything that is outside of the scope of the meeting will not be filmed. This includes reaction shots, walkouts etc. Where an operator is unsure on what to film or is in an unfamiliar situation, the operator should always select a camera shot of the Chair of the meeting.
6. Young people under the age of 16 should not be filmed.
7. Editing of content should only be undertaken if there is a legal reason, for instance the name of a person in witness protection was divulged by a public speaker, confidential personal information is inadvertently disclosed or defamatory comments made. Editing of content may also be authorised in exceptional circumstances such as if an attendee is taken ill on screen. A log will be maintained of webcasts where content has been edited.
8. Should the webcast be halted for a technical reason the following procedure will be applied:
  - The operator will inform the Committee Officer as soon as practically possible.
  - The operator will also inform the Press Office and the Head of Legal and Democratic Services so they can disseminate this information to political group leaders including an explanation of what went wrong, what is being done to recover any lost data and how will mitigate issues in the future.
9. When any editing of content occurs then the same procedure as above will be followed.

10. In the event of obscenities being shouted, the sound will be muted either live or in post production as our webcasts are accessible by people of different ages.
11. As part of the process for registering to speak at Executive or Council meetings, residents will be advised that the meeting will be streamed on the internet and a copy of the meeting retained on YouTube. If an attendee does not wish to be filmed whilst speaking to the committee, the webcast operator will:
  - Give guidance to the best place to sit
  - Ensure no close-up images of the attendee will be taken
  - If the attendee is speaking, the webcast operator will focus the camera on the Chair
  - Guidance notes will also be issued to those residents in the audience at Council meetings advising them to contact any member of City of York Council staff if they have concerns about being seen on camera.

### ***Technical Arrangements***

12. A digital back-up of recordings will be kept by the Marketing Team and will be an unedited raw version of what the cameras and microphones 'see' during the meeting. This will be kept by the Marketing Team and used in the case of:
  - Internal scrutiny for pause decisions
  - Back-up facility in case of technical issues

### ***Signage at Meetings***

13. On signs to be displayed inside and outside the meeting room and on the meeting agenda there will be the following notice:

#### **Webcasting Notice**

**Please note: this meeting may be filmed for live or subsequent broadcast via the internet – at the start of the meeting the Chairman will confirm if all or part of the meeting is being filmed.**

**You should be aware that the Council is a Data Controller under the Data Protection Act. Data collected during this webcast will be retained in accordance with the Council's published policy.**

**Public seating areas will not be filmed by the Council.**

***Filming by member of the public and press***

14. Initially, the Council proposes to film all the Executive and Council meetings but will consider either filming or securing a sound recording of other public meetings over time. Residents are permitted to film or record Councillors and Officers at any Council meetings that are open to the public and press with immediate effect.
15. We may reasonably ask for the filming to be undertaken in such a way that it is not disruptive or distracting to the good order and conduct of the meeting. As a courtesy, attendees will be informed at the start of the meeting that is being filmed; we recommend that those wanting to film liaise with the Council staff before the start of the meeting.

***Tweeting or blogging by members of the public and press***

16. The Council permits Social media reporting of all its public meetings.

***Photography***

17. The Council permits photography at all of its public meetings.



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**Audit & Governance****10 May 2016**

Report of the Director of Customer &amp; Business Support Services

**Treasury Management Annual Report & Review of Prudential Indicators 2015/16****Summary**

1. Audit & Governance Committee are responsible for ensuring effective scrutiny of the treasury management strategy and policies, as stated in the Treasury Management Strategy 2015/16 approved by full Council on 26 February 2015.
2. Attached at Annex A is the draft Treasury Management Annual Report and Review of Prudential Indicators 2015/16. This information provides Members with an update of treasury management activity for 2015/16.
3. The report attached at Annex A is still in draft form whilst final calculations are being completed as part of the year end process. However, whilst the numbers included may move slightly from those presented here the changes will not be significant.

**Background**

4. The report reviews the economic and market conditions and provides an update on the outturn position for the year.

**Consultation**

5. Not applicable

**Options**

6. It is a statutory requirement under Local Government Act 2003 for the council to operate in accordance with the CIPFA prudential Code and the CIPFA Treasury Management in the Public Services Code of Practice "the Code". No alternative options are available.

## **Council Plan**

7. Treasury management is an integral part of the council's finances providing for cash flow management and financing of capital schemes. It aims to ensure that the council maximises its return on investments, (whilst the priority is for security of capital and liquidity of funds) and minimises the cost of its debts. This allows more resources to be freed up to invest in the Council's priority areas as set out in the council plan. It therefore underpins all of the council's aims.

## **Implications**

8. The implications are
  - Financial – the security of the Council's capital funds is a priority, maximising returns on investments is still key along with minimising the finance costs of debt.
  - Human Resources - there are no human resource implications to this report.
  - Equalities - there are no equality implications to this report.
  - Legal - there are no legal implications to this report.
  - Crime and Disorder - there are no crime and disorder implications to this report.
  - Information Technology - there are no information technology implications to this report.
  - Property –there are no property implications to this report.
  - Other – there are no other implications to this report.

## **Risk Management**

9. The treasury management function is a high-risk area because of the volume and level of large money transactions. As a result of this the Local Government Act 2003 (as amended), the CIPFA Prudential Code and the CIPFA Treasury Management in the Public Services Code of Practice (the code) are all adhered to as required.

## **Recommendations**

10. Audit & Governance Committee note and scrutinise the Treasury Management Annual Report and Review of Prudential Indicators 2015/16 at Annex A

Reason: That those responsible for scrutiny and governance arrangements are updated on a regular basis to ensure that those implementing policies and

executing transactions have properly fulfilled their responsibilities with regard to delegation and reporting.

**Contact Details**

**Author:**

Debbie Mitchell  
Corporate Finance & Commercial  
Procurement Manager

**Chief Officer responsible for the report:**

Ian Floyd  
Director of Customer & Business  
Support Services

Report  Date 28 April 2016  
approved

**Specialist Implications Officer(s)** None

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

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

**Background Working Papers**

None

**Annexes**

Annex A - Treasury Management Annual Report and Review of Prudential Indicators 2015/16

**Glossary**

CFR	Capital Financing Requirement
CIPFA	Chartered Institute of Public Finance and Accountancy
HRA	Housing Revenue Account
LIBID	London Interbank Bid Rate

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**Executive****30 June 2016****Report of the Director of Customer and Business Support Services  
(Portfolio of the Leader of the Council)****Treasury Management Annual Report & Review of Prudential  
Indicators 2015/16****Purpose of Report**

1. The Council is required by regulations issued under the Local Government Act 2003 to produce an annual treasury management review of activities and the actual prudential and treasury indicators. This report meets the requirements of both the CIPFA Code of Practice on Treasury Management (the Code) and the CIPFA Prudential Code for Capital Finance in Local Authorities (the Prudential Code). Prudential indicators are attached at Annex 1.
2. The regulatory environment places responsibility on members for the review and scrutiny of treasury management policies and activities. This report provides details of the outturn position and highlights compliance with the Council's policies previously approved by members.

**Recommendations**

3. Executive is asked to:
  - a. Note the 2015/16 performance of treasury management activity and
  - b. Note the compliance with and movements of the prudential indicators in Annex 1

Reason: to ensure the continued performance of the Council's treasury management function can be monitored.

**Analysis****The Economy and Interest Rates**

4. Market expectations for the first increase in Bank Rate moved considerably during 2015/16, starting at quarter 3 2015 but soon moving back to quarter 1 2016. However, by the end of the year, market expectations had moved back radically to quarter 2 2018 due to many fears including concerns that China's economic growth could be heading towards a hard landing, the continuation of the collapse in oil prices during 2015 together with continuing Eurozone growth uncertainties
5. These concerns have caused sharp market volatility in equity prices during the year with corresponding impacts on bond prices and bond yields due to safe haven flows. Bank rate remained unchanged at 0.5% for the seventh successive year. Economic growth in 2015/16 has been disappointing with growth falling steadily from an annual rate of 2.9% in quarter 1 2015 to 2.1% in quarter 4.
6. The sharp volatility in equity markets during the year was reflected in sharp volatility in bond yields. However, the overall dominant trend in bond yields since July 2015 has been for yields to fall to historically low levels as forecasts for inflation have repeatedly been revised downwards and expectations of increases in central rates have been pushed back. In addition, a notable trend in the year was that several central banks introduced negative interest rates as a measure to stimulate the creation of credit and hence economic growth.
7. The UK government maintained its tight fiscal policy stance but the more recent downturn in expectations for economic growth has made it more difficult to return the public sector net borrowing to a balanced annual position within the period of this parliament.

### **Overall Treasury Position as at 31 March 2016**

8. The Council's year end treasury debt and investment position for 2015/16 compared to 2014/15 is summarised in the table below:

#### **Debt**

<b><u>Debt</u></b>	<b>31/03/2016</b>	<b>Rate</b>	<b>31/03/2015</b>	<b>Rate</b>
	<b>£m</b>	<b>%</b>	<b>£m</b>	<b>%</b>
General Fund Debt	126.7	4.20	128.8	4.18
Housing Revenue	140.3	3.34	140.3	3.40

Account Debt				
<b>Total Debt</b>	<b>267.1</b>	<b>3.75</b>	<b>269.1</b>	<b>3.74</b>
<b><u>Investments</u></b>				
Councils Investment Balance	77.2	0.56	60.997	0.52

Table 1 summary of year end treasury position as at 31 March 2016

9. The expectation for interest rates within the treasury management strategy for 2015/16 anticipated low but rising Bank Rate, (starting in quarter 1 of 2016) and gradual rises in medium and longer term fixed borrowing rates during 2016/17. Variable, or short term, rates were expected to be the cheaper form of borrowing over the period. Continued uncertainty in the aftermath of the 2008 financial crisis promoted a cautious approach, whereby investments would continue to be dominated by low counterparty risk considerations, resulting in relatively low returns compared to borrowing rates.
10. In this scenario the treasury strategy was to postpone borrowing to avoid the cost of holding higher levels of investments and to reduce counter party risk.
11. The sharp volatility in equity markets during the year was reflected in sharp volatility in bond yields. However, the overall dominant trend in bond yields since July 2015 has been for yields to fall to historically low levels as forecasts for inflation have been repeatedly revised downwards and expectations of increases in central rates have been pushed back.

### **Borrowing Outturn 2015/16**

12. The Councils capital expenditure impacts upon the level of borrowing and the prudential indicators which control the borrowing activity of the Council are contained in Annex 1.
13. The purpose of the Council's underlying need to borrow is to finance capital expenditure, termed the Capital Financing Requirement (CFR). The total CFR for the council at the end of 2015/16 was £319.4m (compared to £ 317.4m 2014/15) split between the General Fund at £179.1m and the HRA at £140.3m.

14. The CFR suggests the Councils level of borrowing could be as high as £319.4m, however in accordance with the flexibility allowed by the borrowing strategy it currently stands at £267.1m. The Council continues make efficient use of its strong cash balance position to support its current capital expenditure requirements and no new borrowing was undertaken during the year.
15. The Council did not restructure any of its borrowing during the year as the average 1% differential between PWLB new borrowing rates and premature repayment rates made rescheduling unviable.

### **Investment Outturn 2015/16**

16. All investment activity during the year was carried out in accordance with the approved treasury management strategy and the Council had no liquidity difficulties in meeting its obligations
17. The Council maintained an average investment balance of £104.57m compared to £74.792m in 2014/15. The surplus funds earned an average rate of return of 0.555% in 2015/16 compared to 0.521% in 2014/15. There has been a gradual increase in cash balances over recent years to due the level of developer's contributions held pending investment through the capital programme, along with the continued early receipt of grant funding from Government in advance of spending. These balances are therefore not available in the longer term and will start to decrease as capital investment is made in a range of projects, as outlined in the Capital Strategy approved by Council in February 2016.
18. The comparable performance indicator for the Councils investment performance is the average London Inter Bank Bid Rate that represents average interest rate which major London banks borrow from other banks. Table 2 shows the rates for financial year 2015/16 and shows that for all cash holdings the rate of return exceeds the levels of the usual 7 day and 3 month benchmarks.

<b>Benchmark</b>	<b>Benchmark Return</b>	<b>Council Performance</b>	<b>CYC Variance</b>
7 day	0.36	0.55	+19
3 month	0.46	0.55	+9

Table 2 – LIBID vs. CYC comparison

**Consultation**

19. Not applicable.

**Options**

20. Not applicable.

**Corporate Priorities**

21. Treasury Management is aimed at ensuring the Council has sufficient liquidity to allow it to operate, safeguards its investments through a prudent investment approach and maximises its return on investments and minimises the cost of its debts. Effective management allows more resources to be freed up to invest in the Council's priorities, values and imperatives, as set out in the Council plan.

**Financial Implications**

22. Contained throughout the main body of the report.

**Legal Implications**

23. Treasury Management activities have to conform to the Local Government Act 2003, which specifies that the Council is required to adopt the CIPFA Prudential Code and the CIPFA Treasury Management Code of Practice.

**Other Implications**

24. There are no human resource, equalities, crime and disorder, information technology, property or other implications as a result of this report.

**Risk Management**

25. The treasury function is a high-risk area due to the level of large money transactions that take place. As a result of this there are strict procedures set out as part of the Treasury Management Practices statement. The scrutiny of this and other monitoring reports is carried

out by Audit & Governance Committee as part of the council's system of internal control

### Contact Details

<b>Authors:</b>	<b>Chief Officer</b>		
	<b>Responsible for the report:</b>		
Debbie Mitchell Finance & Procurement Manager Ext 4161	Ian Floyd Director of Customer & Business Support Services		
Sarah Kirby Principal Accountant	<b>Report Approved</b>		<b>Date</b>
<b>Wards Affected:</b> <i>All</i>			
<b>For further information please contact the authors of the report</b>			

### Annexes

Annex 1: Prudential Indicators 2015/16



## Annex 1

	Prudential Indicator		2015/16	2016/17	2017/18	2018/19	2019/20	2020/21
4	<b>CFR as at 2015/16 Outturn</b> Indicates the Council's underlying need to borrow money for capital purposes. The majority of the capital programme is funded through government support, government grant or the use of capital receipts. The use of borrowing increases the CFR.	GF HRA <u>Total</u>	£179.1m £140.3m £319.4m	£206.5m £140.3m £346.8m	£209.3m £140.3m £349.6m	£204.8m £140.3m £345.1m	£201.0m £140.3m £341.3m	£196.5m £140.3m £336.8m
5	<b>External Debt</b> To ensure that borrowing levels are prudent over the medium term the Council's external borrowing, net of investments, must only be for a capital purpose and so not exceed the CFR.	Gross Debt Invest <u>Net Debt</u>	£272.4m £77.2m £195.2m	£287.2m £45.0m £242.2m	£295.1m £25.0m £270.1m	£290.0m £20.0m £270.0m	£288.8m £20.0m £268.8m	£283.6m £20.0m £263.6m
6a	<b>Authorised Limit for External Debt</b> The authorised limit is a level set above the operational boundary in acceptance that the operational boundary may well be breached because of cash flows. It represents an absolute maximum level of debt that could be sustained for only a short period of time. The council sets an operational boundary for its total external debt, gross of investments, separately identifying borrowing from other long-term liabilities.	Borrowing / Other long term liabilities Total	£357.7m £30.0m £387.7m	£355.3m £30.0m £385.3m	£359.7m £30.0m £389.7m	£355.2m £30.0m £385.2m	£351.4m £30.0m £381.4m	£346.8m £30.0m £376.8m



## Annex 1

	Prudential Indicator		2015/16	2016/17	2017/18	2018/19	2019/20	2020/21
6b	<p><b>Operational Boundary for external debt</b></p> <p>The operational boundary is a measure of the most likely, prudent, level of debt. It takes account of risk management and analysis to arrive at the maximum level of debt projected as part of this prudent assessment. It is a means by which the authority manages its external debt to ensure that it remains within the self-imposed authority limit. It is a direct link between the Council's plans for capital expenditure; our estimates of the capital financing requirement; and estimated operational cash flow for the year.</p>	Borrowing Other long term liabilities Total	£347.7m	£345.3m	£349.7m	£345.2m	£341.4m	£336.8m
			£10.0m	£10.0m	£10m	£10.0m	£10.0m	£10.0m
			<u>£357.7m</u>	<u>£355.3m</u>	<u>£359.7m</u>	<u>£355.2m</u>	<u>£351.4m</u>	<u>£346.8m</u>
7	<b>Adoption of the CIPFA Code of Practice for Treasury Management in Public Services</b>		✓					
8a	<p><b>Upper limit for fixed interest rate exposure</b></p> <p>The Council sets limits to its exposures to the effects of changes in interest rates for 5 years. The Council should not be overly exposed to fluctuations in interest rates which can have an adverse impact on the revenue budget if it is overly exposed to variable rate investments or debts.</p>		133%	119%	109%	108%	108%	108%
8b	<p><b>Upper limit for variable rate exposure</b></p> <p>The Council sets limits to its exposures to the effects of changes in interest rates for 5 years. The Council should not be overly exposed to fluctuations in interest rates which can have an</p>		-33%	-19%	-9%	-8%	-8%	-8%

## Annex 1

	Prudential Indicator		2015/16	2016/17	2017/18	2018/19	2019/20	2020/21
	adverse impact on the revenue budget if it is overly exposed to variable rate investments or debts.							
9	<p><b>Upper limit for total principal sums invested for over 364 days</b></p> <p>The Council sets an upper limit for each forward financial year period for the level of investments that mature in over 364 days. These limits reduce the liquidity and interest rate risk associated with investing for more than one year. The limits are set as a percentage of the average balances of the investment portfolio.</p>		£0	£0	£0	£0	£0	£0
10	<p><b>Maturity structure of new fixed rate borrowing</b></p> <p>To minimise the impact of debt maturity on the cash flow of the Council. Over exposure to debt maturity in any one year could mean that the Council has insufficient liquidity to meet its repayment liabilities, and as a result could be exposed to risk of interest rate fluctuations in the future where loans are maturing. The Council therefore sets limits whereby long-term loans mature in different periods thus spreading the risk.</p>	Maturity profile of debt against approved limits	<b>Maturity Profile</b>	<b>Debt (£)</b>	<b>Debt (£)</b>	<b>Approved Minimum Limit</b>	<b>Approved Maximum Limit</b>	
			Less than 1 yr	£12.0m	4%	0%	30%	
			1 to 2 yrs	£5.0m	2%	0%	30%	
			2 to 5 yrs	£31.0m	12%	0%	40%	
			5 to 10 yrs	£44.8m	17%	0%	40%	
			10 yrs and above	£174.3m	65%	30%	90%	
			Total	£267.1m	100%	-	-	



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## **Audit & Governance Committee**

Report of the Director of Customer & Business Support Services

### **Update on Information Governance – May 2016**

#### **Background**

1. This report provides Members with :
  - a progress update on the Information Commissioners Office (ICO) audit recommendations and action plan;
  - an update on information governance;
  - our plans to meet the request to provide details on ICO cases where the outcome was against the council.

#### **Update on Action Plan**

2. The Committee received a report at its December meeting in relation to a voluntary audit of information governance within the Council undertaken by the Information Commissioner's Office (ICO).
3. Prior to the audit the ICO, conducted both scoping and engagement stages with the council as well as their own intelligence gathering. This was to determine and refine the three scope areas, the audit would cover. During these stages, the council provided both evidence of sustained improved performance and demonstrated good practice, in dealing with Freedom of Information and Environmental Information requests which meant the ICO did not include these as one of the three main scope areas in their audit. Details of current performance are set out later in this report.
4. In response to the audit findings the Council prepared an action plan which was shared with the Committee. We are making significant progress in delivering that action plan and a progress report appears in the Annex to this report.

5. The next key milestone in progressing the action plan will be during the week commencing 23 May 2016 when the ICO is expected to undertake a desk-based review to establish the progress we have made to address their recommendations. The ICO's approach to considering authorities' responses to audits may best be appreciated by having regard to the fact that there are cases where enforcement action has been undertaken despite action plans having been completed.

### **General Update**

6. The following other achievements and progress has been undertaken since the last report to this committee:
  - a. The transfer of all information governance activities from Veritau to the council team, was completed earlier this year. This transfer was undertaken following discussions with the ICO and we have confirmed to the ICO that this has been completed. This now means that the council team is responsible for conducting reviews and responses to ICO cases. It is anticipated that a report will be brought to a future meeting of this committee providing information on ICO cases where they have found against the council.
  - b. We continue to sustain our previous performance improvements for in-time compliance of Freedom of Information (FOIs) and Environmental Information Regulations (EIRs) requests. Using the same methodology for in-time compliance as previous years, as well as other neighbouring local authorities we achieved in-time compliance for April 2015 to March 2016 of 95.6%. In 2014/15 this was 93.9% and in 2013/14, it was 81%.
  - c. We have made significant and sustained performance improvements for in-time compliance with Data Protection Act Subject Access to Records requests (SARs). This was a specific area that ICO auditors recommended we improve upon. Again using the same methodology for in-time compliance as previous

years, as well as other neighbouring local authorities, we achieved in-time compliance for April 2015 to March 2016 of 77.1%.

- d. We have retained the required level of assurance to be able to use Health and Social Care Information Centre services.
- e. We have and are responding to significant changes in the regulatory framework. In particular these relate to the transfer of personal data where services are based in the U.S. and to a new European wide framework for data protection to be introduced over the next two years.

### **Consultation**

7. Not relevant for the purpose of this report.

### **Options**

8. Not relevant for the purpose of this report.

### **Analysis**

9. Not relevant for the purpose of this report.

### **Council Plan**

10. 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**

11. There are no implications to this report in relation to:-
  - **Financial**
  - **Human Resources (HR)**
  - **Equalities**
  - **Legal**

- **Crime and Disorder**
- **Information & Communications Technology (ICT)**
- **Property**
- **Other**

## **Risk Management**

12. The council may face financial and reputational risks if the information it holds is not managed and protected effectively. For example, the ICO can impose civil monetary penalties up to £500k for serious data security breaches (this may be increased following the signing of the General Data Protection Regulation (GDPR)). 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. For example, under section 55 and/or section 61 of the Data Protection Act (DPA) 1998.

## **Recommendations**

13. Members are asked to consider and note the contents of this report, including the news and update information.

Reason: To ensure that Members are kept updated on matters in respect of information governance.

## **Contact Details**

### **Author:**

Lorraine Lunt  
Information Governance  
and Feedback Team  
Manager  
Tel: 01904 552247

**Report approved** 29 April 2016

**Wards Affected:** All

## **Annexes**

Annex 1 – Action and Progress Plan - ICO audit recommendations

## Action and progress plan – ICO audit recommendations

Recommendation	Agreed action, date and owner	Completed or Ongoing as of April 2016	Progress at April 2016
<p><b>a5.</b> Ensure that the job description for the Transparency and Feedback Team Manager accurately reflects the newly assigned responsibilities for information governance, incorporating records management. There should be a clear distinction between post holders with strategic responsibility and post holders with operational responsibility for the records management function.</p>	<p><b>Management response:</b> Accepted CYC will review current job description to ensure clarity for strategic and operational responsibilities for records management.</p> <p><b>Owner:</b> Andy Docherty, Assistant Director</p> <p><b>Date for implementation:</b> 31st December 2015</p>	Completed	JD amends approved. Job evaluation panel scored amended JD.
<p><b>a9.</b> Assign local records management responsibilities in line with the requirements of the Records Management Policy.</p>	<p><b>Management response:</b> Accepted CYC will identify and assign local records management responsibilities in line with the reviewed/updated Records Management Policy.</p> <p><b>Owner:</b> Lorraine Lunt, Transparency &amp; Feedback Team</p>	Ongoing	RM policy review and redraft underway. This will identify local RM responsibilities across the council.



	<p>Manager</p> <p><b>Date for implementation:</b> 30<sup>th</sup> June 2016</p>		
<p><b>a12.</b> Ensure that records management features regularly on the CIGG agenda to mandate and monitor records management improvements.</p>	<p><b>Management response:</b> Accepted CYC has completed the review of the CIGG terms of reference which will now be the Information Management Board (IMB) and includes records management including monitoring and compliance, in its purpose, aim, remit and objectives. The first meeting is planned for mid-November at which the standard agenda items will be approved.</p> <p><b>Owner:</b> Lorraine Lunt, Transparency &amp; Feedback Team Manager</p> <p><b>Date for implementation:</b> 31<sup>st</sup> December 2015</p>	Completed	Replaced CIGG with an Information Management Board (IMB) with new terms of reference and membership.
<p><b>a14.</b> Implement a records management programme of work and ensure that records management actions/</p>	<p><b>Management response:</b> Accepted CYC will develop a records management forward work</p>	Ongoing	Included in IMB monitoring. The work on this action has been dependent on progress of RM policy



<p>improvements and lessons learned are identified and implemented as necessary. This programme should be overseen by the CIGG.</p>	<p>programme. The IMB is to be responsible for records management monitoring and compliance as stated in the Terms of Reference</p> <p><b>Owner:</b> Lorraine Lunt, Transparency &amp; Feedback Team Manager</p> <p><b>Date for implementation:</b> 31<sup>st</sup> March 2016</p>		
<p><b>a15.</b> Ensure that the Records Management Policy outlines methods for monitoring policy compliance and that this is communicated to staff.</p>	<p><b>Management response:</b> Accepted CYC will include monitoring compliance and guidance in the review of the current Records Management Policy. The launch of the revised policy will include a communications plan for raising awareness as well as guidance, training package(s). When completed, this will be published on the intranet and internet.</p> <p><b>Owner:</b> Lorraine Lunt, Transparency &amp; Feedback Team Manager</p>	<p>Ongoing</p>	<p>Included in IMB monitoring. The work on this action has been dependent on progress of RM policy</p>

	<b>Date for implementation:</b> 31 March 2016		
<b>a17.</b> Ensure that the Records Management Policy is reviewed in line with time periods for review set out in the policy.	<p><b>Management response:</b> Accepted CYC is currently underway with a review of the Records Management Policy (including a communications plan) and will put in place a monitoring process to ensure future reviews are undertaken within the set time periods.</p> <p><b>Owner:</b> Lorraine Lunt, Transparency &amp; Feedback Team Manager</p> <p><b>Date for implementation:</b> 31<sup>st</sup> March 2016</p>	Partial	Review and Ongoing redrafting of RM policy completed. This includes refreshing style and format to provide a “framework”/ toolkit approach to bring together understanding/awareness and use of the policy with guidance
<b>a18.</b> Review the draft records management guidance alongside the Records Management Policy to ensure that it is complete, consistent and up-to-date. Ensure that communication of records management guidance is included within a Communications Plan for the Records Management Policy.	<p><b>Management response:</b> Accepted CYC is currently reviewing the guidance, training package(s) etc. for records management alongside the review of the policy. Following the approval of the reviewed policy, CYC will undertake the actions from the communications plan including providing guidance, training</p>	Ongoing	Review and partial redrafting of RM policy completed. This includes refreshing style and format to provide a “framework”/ toolkit approach to bring together understanding/awareness and use of the policy with

	<p>package(s) and publication on the intranet.</p> <p><b>Owner:</b> Lorraine Lunt, Transparency &amp; Feedback Team Manager</p> <p><b>Date for implementation:</b> 31<sup>st</sup> May 2016</p>		guidance
<p><b>a23.</b> Ensure that records management is incorporated within a formal training programme that comprises mandatory induction and periodic refresher training for all staff with access to personal data.</p>	<p><b>Management response:</b> Accepted CYC will ensure that records management is included in its training/learning/development mandatory framework including induction, targeted dedicated sessions aligned to local records management responsibilities, and refresher.</p> <p><b>Owner:</b> Lorraine Lunt, Transparency &amp; Feedback Team Manager</p> <p><b>Date for implementation:</b> 30 April 2016</p>	Ongoing	<p>This is dependent on the RM policy, framework and toolkit completion and also the provision of an elearning developer role within the council. Induction package for all staff has been updated and delivered in line with the council wide induction timetable</p>
<p><b>a28.</b> Ensure that records management training needs are</p>	<p><b>Management response:</b> Accepted CYC will link this with the</p>	Ongoing	<p>This is linked to a9 and also progress of RM policy,</p>

<p>assessed and addressed for key roles and staff groups.</p>	<p>identification of local records management responsibilities, inclusion in the mandatory framework and into the PDR process where appropriate. Progress of TNA as well as meeting the needs identified through the TNA, will be monitored via the IMB.</p> <p><b>Owner:</b> Lorraine Lunt, Transparency &amp; Feedback Team Manager</p> <p><b>Date for implementation:</b> 31<sup>st</sup> May 2016</p>		<p>framework and toolkit</p>
<p><b>a30.</b> Review the Data Protection Policy to ensure that it is up to date and reflects best practice.</p>	<p><b>Management response:</b> Accepted CYC is currently underway with a review of the Data Protection Policy (including a communications plan, guidance, training packages) which is now taking account of the comments and recommendations in this ICO audit.</p> <p><b>Owner:</b> Lorraine Lunt, Transparency &amp; Feedback Team Manager</p>	<p>Ongoing</p> 	<p>Due to the timing of the agreements reached on GDPR and also the ongoing Safe Harbor/Privacy Shield discussions, the completion of the review</p>

	<b>Date for implementation:</b> 29 <sup>th</sup> February 2016		
<b>a31.</b> Ensure all privacy notices are readily available and easily accessible from the council's homepage.	<p><b>Management response:</b> Accepted At the launch of the new CYC website, we updated the Privacy Notice accessible via the main/home page. Further work will be undertaken following the collation of all existing privacy notices, information sharing agreements etc. as part of the new "information asset register monitoring and compliance" across the council, to identify how best to ensure all are easily accessible/searchable/linked where relevant from the main web page.</p> <p><b>Owner:</b> Lorraine Lunt, Transparency &amp; Feedback Team Manager</p> <p><b>Date for implementation:</b> 30 April 2016</p>	Yes	Privacy statement on CYC website updated and under quarterly review as other IG work progresses eg services update their FPNs, transfer of services into CYC (Health Visitors/School Nurses); go live of new systems(Childrens); consent requirements, sharing agreements etc
<b>a32.</b> Ensure that privacy notices are made available for all services	<p><b>Management response:</b> Accepted As part of the new "information</p>	Yes	This is ongoing as service areas update their FPNs,

<p>to inform individuals about the use of their personal data.</p>	<p>asset register monitoring and compliance” across the council, we will be able to identify where privacy notices are not held and therefore put in place a work plan to complete these.</p> <p><b>Owner:</b> Lorraine Lunt, Transparency &amp; Feedback Team Manager</p> <p><b>Date for implementation:</b> 30 April 2016</p>		<p>consents etc eg Family Focus, FEHA</p>
<p><b>a33.</b> Ensure that there is a policy requirement to regularly review the accuracy and content of privacy notices.</p>	<p><b>Management response:</b> Accepted CYC will include the requirement for regular review of the accuracy and content of privacy notices in the review of the Data Protection policy and develop guidance, training package(s) for staff responsible for privacy notices.</p> <p><b>Owner:</b> Lorraine Lunt, Transparency &amp; Feedback Team Manager</p> <p><b>Date for implementation:</b> 30 April</p>	<p>Ongoing</p>	<p>This will be included in both the DP and RM policies</p>

	2016		
<b>a39.</b> Review the IAR quarterly to ensure that it remains up-to-date and fit for purpose. Ensure that the IAR references relevant risks to the information assets.	<p><b>Management response:</b> Accepted CYC is currently underway with updating the IAR which includes how it will be monitored and used to identify areas such as PIAs, PIA risks etc. where relevant. The IMB will monitor compliance.</p> <p><b>Owner:</b> Lorraine Lunt, Transparency &amp; Feedback Team Manager</p> <p><b>Date for implementation:</b> 31 March 2016</p>	Ongoing	IMB discussed and approved roll out of this requirement. The fields on the IAR reflect those already seen by the ICO auditors and additional ones to support continuous improvement in this process.
<b>a42.</b> Include storage arrangements at Yorkcraft within the internal audit plan of security checks.	<p><b>Management response:</b> Accepted CYC will include Yorkcraft in the internal audit plan of security checks. Meeting arranged with internal auditors mid-November for this.</p> <p><b>Owner:</b> Lorraine Lunt, Transparency &amp; Feedback Team Manager</p> <p><b>Date for implementation:</b> 31</p>	Yes	Veritau amended forward plan to include this and shared this information at IMB

	December 2015		
<p><b>a45.</b> Review the requirement for the retention of both scanned and manual client records by adult social care.</p>	<p><b>Management response:</b> Accepted CYC will review retention requirements for both scanned and manual adult social care records. The Transparency and Feedback Team Manager and the IMB where appropriate, will advise and support the service area. The Transparency and Feedback Team manager is attending the case management system project board to incorporate the scanned and manual records retention requirements into the project.</p> <p><b>Owner:</b> Director of Adult Social Care</p> <p><b>Date for implementation:</b> 31<sup>st</sup> March 2016</p>	Ongoing	Previous current retention schedules located and this requirement is included in the project for ASC system replacement
<p><b>a46.</b></p> <p>a) Assign owners to the boxes of 'mystery social care' records stored at Yorkcraft.</p> <p>b) Ensure that the adult social care records stored within the</p>	<p><b>Management response:</b> Accepted CYC will identify and/or assign owners within the service area. The Transparency and Feedback Team Manager and Yorkcraft will work with the service area to</p>	<p>a) Completed</p> <p>b) Ongoing</p>	b) Yorkcraft and Business Support teams are working through the cabinets



<p>separate filing cabinets at Yorkcraft are logged and tracked in line with Yorkcraft's Archive Procedure.</p>	<p>ensure that arrangements are put in place for logging and tracking of the information held in the storage cabinets.</p> <p><b>Owner:</b> Director of Adult Social Care</p> <p><b>Date for implementation:</b> 31st May 2016</p>		
<p><b>a50.</b> Introduce a tracing system to ensure that services actively manage the whereabouts of records retrieved from storage.</p>	<p><b>Management response:</b> Accepted CYC will complete the development and introduce a tracing system for records retrieved from storage.</p> <p><b>Owner:</b> Lorraine Lunt, Transparency &amp; Feedback Team Manager</p> <p><b>Date for implementation:</b> 31<sup>st</sup> March 2016</p>	<p>Yes</p>	<p>Updating "labelling" requirements and procedures for acceptance by Yorkcraft of boxes leaving office(s) and those being delivered</p>
<p><b>a55.</b> Ensure that all Business Continuity Plans are finalised and reviewed and tested in line with the review dates specified on the plans/ assessments.</p>	<p><b>Management response:</b> Accepted CYC will ensure all BCPs are finalised and reviewed in line with the dates they specify.</p> <p><b>Owner:</b> Steve Waddington,</p>	<p>Ongoing</p>	<p>Working with Emergency Planning Unit (most had not been updated to show "final" version)</p>

	Assistant Director Housing and Public Protection  <b>Date for implementation:</b> 30 June 2016		
<b>a59.</b> Ensure that a consistent approach is taken across all services for the storage of physical files in the office.	<b>Management response:</b> Accepted CYC has 2 main sites at West Offices and Hazel Court, as well as other facilities/locations across the city. CYC will respond to this recommendation at the 2 main sites by putting in place a consistent approach to storage of physical files. CYC will then roll this out across the other facilities/locations and monitor compliance with this through the information security sweeps conducted by internal auditors.  <b>Owner:</b> Lorraine Lunt, Transparency & Feedback Team Manager  <b>Date for implementation:</b> 31 <sup>st</sup> March 2016	Ongoing	Work undertaken from information security sweeps, to identify those ongoing areas of concern at West Offices. Further work will be completed using the information security checks at Hazel Court
<b>a60.</b> Ensure that all services, and	<b>Management response:</b> Accepted	Ongoing	Options explored and

<p>teams within them, have a procedure for the secure central storage of cabinet keys.</p>	<p>CYC is underway with investigating the options and impacts for the development of a process for secure central storage of cabinet keys. This will include a roll out/ implementation plan, communications plan and compliance/ monitoring plan.</p> <p><b>Owner:</b> Lorraine Lunt, Transparency &amp; Feedback Team Manager</p> <p><b>Date for implementation:</b> 31<sup>st</sup> May 2016</p>		<p>discussed at IMB. Paper for approved option to go to SIRO for final decision/funding</p>
<p><b>a65.</b> Ensure that appropriate restrictions are in place to prevent unauthorised staff from accessing original copies of scanned records, stored by the Facilities Management Scanning and Mail Unit.</p>	<p><b>Management response:</b> Accepted CYC is currently investigating options to ensure that appropriate restrictions are in place to meet this recommendation.</p> <p><b>Owner:</b> Lorraine Lunt, Transparency &amp; Feedback Team Manager</p> <p><b>Date for implementation:</b> 31<sup>st</sup> March 2016</p>	Ongoing	<p>Investigations into alternative options and costs has been delayed due to reprioritisation of work for the owner of a65</p>

<p><b>a75.</b> Introduce periodic reviews of access permissions granted in Norwel.</p>	<p><b>Management response:</b> Accepted CYC is underway with investigating the tasks required and the impacts of introducing periodic access permission reviews in Norwel.</p> <p><b>Owner:</b> Practice Manager</p> <p><b>Date for implementation:</b> 31<sup>st</sup> March 2016</p>	<p>Ongoing</p>	
<p><b>a79.</b> Clear and consistent guidance on taking records containing personal data offsite, should be produced and made available to staff.</p>	<p><b>Management response:</b> Accepted CYC will include this in the current review of the DP policy and guidance and training package(s).</p> <p><b>Owner:</b> Director of Adults Social Care and Director of Children's Services</p> <p><b>Date for implementation:</b> 29 February 2016</p>	<p>Ongoing</p>	<p>Included this in review of RM policy and guidance; Information security awareness communications (IComply) and as part of ECP refresh,(Icomply)</p>
<p><b>a80.</b> Staff should be provided with or advised on appropriate methods and/or media for transporting client records offsite.</p>	<p><b>Management response:</b> Accepted CYC will include this in the current review of the DP policy and guidance and training package(s).</p> <p><b>Owner:</b> Director of Adults Social</p>	<p>Ongoing</p>	<p>Included this in review of DP and RM policies etc however staff have had recent communications through the ECP refresh/Icomply</p>

	Care and Director of Children's Services <b>Date for implementation:</b> 29 February 2016		
<b>a83.</b> Ensure guidance on the protective marking scheme within the staff intranet is up-to-date. Any updated scheme arrangements should be communicated to staff.	<b>Management response:</b> Accepted CYC will undertake a review of the current guidance and update this where required. This will include a review of the layout and look and feel of the information on the intranet. All changes will be communicated to staff.  <b>Owner:</b> Lorraine Lunt, Transparency & Feedback Team Manager  <b>Date for implementation:</b> 31 <sup>st</sup> March 2016	Ongoing	Included this in the RM and DP policies
<b>a84.</b> Appropriate and consistent security measures should be in place when sending personal data (especially sensitive personal data) by post. Considerations should be given as to whether personal data can be minimised or sent by other	<b>Management response:</b> Accepted CYC will include this in the current review of the DP policy and guidance and training package(s).  <b>Owner:</b> Lorraine Lunt, Transparency & Feedback Team	Ongoing	This is included in the review DP policy. Further work was also undertaken regarding use of Doqex

<p>means; and addresses should be checked.</p>	<p>Manager</p> <p><b>Date for implementation:</b> 31<sup>st</sup> March 2016</p>		
<p><b>a85.</b> Consider an appropriate method to reduce the risk of unauthorised access to incoming and outgoing post.</p>	<p><b>Management response:</b> Accepted CYC will consider options to provide appropriate methods (both in the short and long term) to reduce the risk of unauthorised access to incoming and outgoing post.</p> <p><b>Owner:</b> Lorraine Lunt, Transparency &amp; Feedback Team Manager</p> <p><b>Date for implementation:</b> 31<sup>st</sup> March 2016</p>	<p>Ongoing</p>	<p>Work to understand options available was started however progress has been held up by owner due to unexpected absence.</p>
<p><b>a86.</b> Introduce procedures to ensure that outgoing post is stored securely after the last collection each day.</p>	<p><b>Management response:</b> Accepted CYC will investigate options to provide appropriate procedures for ensuring outgoing post is stored securely</p> <p><b>Owner:</b> Lorraine Lunt, Transparency &amp; Feedback Team Manager</p>	<p>Ongoing</p>	<p>Options identified and are being investigated to understand if they are achievable across all council sites</p>

	<b>Date for implementation:</b> 31 <sup>st</sup> March 2016		
<b>a89.</b> CYC should have up-to-date retention schedules in place which are based on business needs and have reference to statutory requirements and other relevant principles. Retention schedules should provide sufficient information for all records to be identified and disposal decisions put into effect. There should also be a link between the assets in the IAR and their associated retention schedules.	<b>Management response:</b> Accepted CYC is currently underway with a review of the Records Management Policy as well as updating the IAR which will include identifying retention schedule(s) that need updating. This identification will then inform a work plan to ensure they are based on business needs and reference statutory requirements and provide information on identification and disposal.  <b>Owner:</b> Lorraine Lunt, Transparency & Feedback Team Manager  <b>Date for implementation:</b> 30 <sup>th</sup> June 2016	Ongoing	Work is planned in for after completion of IAR
<b>a90.</b> Retention schedules should be regularly reviewed to ensure that they meet business needs and statutory requirements.	<b>Management response:</b> Accepted CYC has updated the terms of reference for the IMB (replacing CIGG) and it includes records	Ongoing	Work is planned in for after completion of IAR

	<p>management monitoring and compliance. Alongside this, CYC is underway with updating the IAR and identifying a work plan for updating retentions schedules, all of which will support the regular review of retention schedules to ensure they meet business needs and statutory requirements.</p> <p><b>Owner:</b> Lorraine Lunt, Transparency &amp; Feedback Team Manager</p> <p><b>Date for implementation:</b> 30<sup>th</sup> June 2016</p>		
<p><b>a91.</b> Assign responsibility to appropriate individuals/asset owners to ensure retention periods are adhered to.</p>	<p><b>Management response:</b> Accepted CYC has updated the terms of reference for the IMB (replacing CIGG) and it includes records management monitoring and compliance. Alongside this, CYC is underway with updating the IAR and identifying a work plan for updating retentions schedules, all of which will support the assigning of responsibility for adherence to</p>	<p>Ongoing</p>	<p>Work is planned in for after completion of IAR</p>



	<p>retention schedules.</p> <p><b>Owner:</b> Lorraine Lunt, Transparency &amp; Feedback Team Manager</p> <p><b>Date for implementation:</b> 30<sup>th</sup> June 2016</p>		
<p><b>a100.</b> Ensure that the Yorkcraft SLA is periodically reviewed in line with review periods set out in the Agreement.</p>	<p><b>Management response:</b> Accepted CYC will review the Yorkcraft SLA and ensure ongoing reviews are conducted in the time periods subsequently set out.</p> <p><b>Owner:</b> Lorraine Lunt, Transparency &amp; Feedback Team Manager</p> <p><b>Date for implementation:</b> 31<sup>st</sup> March 2016</p>	Ongoing	Contract/SLA review periods to be set up and also linked to internal audit/information security check forward plan
<p><b>a104.</b> Identify records management performance measures that reflect organisational needs and risks identified in the corporate risk management framework.</p>	<p><b>Management response:</b> Accepted CYC has updated the terms of reference for the IMB (replacing CIGG) and it includes records management monitoring and compliance. Work will now be done to determine what the key</p>		

	<p>performance indicators are to reflect our needs and risks. These will be aligned to the risks identified for the corporate risk management framework.</p> <p><b>Owner:</b> Lorraine Lunt, Transparency &amp; Feedback Team Manager</p> <p><b>Date for implementation:</b> 31<sup>st</sup> March 2016</p>		
<p><b>a105.</b> Ensure that reporting details are being produced as required in the Yorkcraft SLA.</p>	<p><b>Management response:</b> Accepted CYC will review the Yorkcraft SLA and ensure reports are produced.</p> <p><b>Owner:</b> Lorraine Lunt, Transparency &amp; Feedback Team Manager</p> <p><b>Date for implementation:</b> 31<sup>st</sup> March 2016</p>	Ongoing	Contract/SLA review periods to be set up and also linked to internal audit/information security check forward plan
<p><b>a106.</b> There should be periodic internal audit of the security and use of records, and a formal report issued to senior management.</p>	<p><b>Management response:</b> Accepted CYC will include this in the internal audit plan. Meeting arranged with internal auditors mid-November for this.</p>	yes	

	<p><b>Owner:</b> Lorraine Lunt, Transparency &amp; Feedback Team Manager</p> <p><b>Date for implementation:</b> 31 December 2015</p>		
<p><b>a108.</b> Review the Information Security Incident Procedure and ensure that it is fit for purpose and in line with best practice.</p>	<p><b>Management response:</b> Accepted CYC have provided breach management training for 2 key staff and they are now underway with a review of the breach management process, procedures and training materials. This will take account of ICO codes of practices, exemplar organisations processes, etc. and will also identify links to the Caldicott Guardian issues reporting process. The review will also include the development and delivery plan for training, guidance/toolkits, and key performance indicators and how to ensure lessons are learned from breach management reporting. Monitoring has been included in the new terms of reference for the IMB.</p>	<p>Yes</p>	

	<p><b>Owner:</b> Lorraine Lunt, Transparency &amp; Feedback Team Manager</p> <p><b>Date for implementation:</b> 31<sup>st</sup> January 2016</p>		
<p><b>a110.</b> Review the IG Risk Register in line with the new Risk Management Policy and Strategy to ensure that risk ratings are correct.</p>	<p><b>Management response:</b> Accepted CYC will start the review of the IG risk register in mid-November to ensure it is in line with the new Risk Management Policy and Strategy.</p> <p><b>Owner:</b> Lorraine Lunt, Transparency &amp; Feedback Team Manager</p> <p><b>Date for implementation:</b> 31<sup>st</sup> December 2015</p>	<p>Yes</p>	

<p><b>a112.</b></p> <p>a) Assigned responsibility for IAO roles across CYC should be clearly communicated.</p> <p>b) IAOs should receive appropriate training to fulfil their roles.</p>	<p><b>Management response:</b> Accepted CYC is underway with reviewing the IAR and this will include identifying assigned IAOs and IAAs. This will then enable us to develop and deliver awareness, guidance and dedicated training for the IAOs and IAAs and a communications plan.</p> <p><b>Owner:</b> Lorraine Lunt, Transparency &amp; Feedback Team Manager</p> <p><b>Date for implementation:</b> (a) 31st March 2016 (b) 30 June 2016</p>	<p>a) ongoing</p> <p>b) ongoing</p>	<p>a) work is underway for the IAR which will identify all IAOs and IAAs</p> <p>b) training requirements will follow from the update of IAR and also from work underway on elearning packages.</p>
<p><b>a113.</b> Information Asset Administrators should be identified and nominated, as planned to support the IAO function, and should receive training as appropriate.</p>	<p><b>Management response:</b> Accepted CYC is underway with reviewing the IAR and this will include identifying assigned IAOs and IAAs. This will then enable us to develop and deliver awareness, guidance</p>	<p>Ongoing</p>	<p>training requirements will follow from the update of IAR and also from work underway on elearning packages.</p>

	<p>and dedicated training for the IAOs and IAAs and a communications plan.</p> <p><b>Owner:</b> Lorraine Lunt, Transparency &amp; Feedback Team Manager</p> <p><b>Date for implementation:</b> 30 June 2016</p>		
<p><b>a114.</b> CYC should ensure that its Data Processor Contracts provide it with a right to physically audit its data processors' premises.</p>	<p><b>Management response:</b> Partially Accepted CYC will write a clause to be included in new tender documents to provide us with this right and for existing contracts. We will include this at the point of renewal.</p> <p><b>Owner:</b> Andy Docherty, Assistant Director</p> <p><b>Date for implementation:</b> 29<sup>th</sup> February 2016</p>	Ongoing	Relevant reviews undertaken when contracts have been renewed
<p><b>b1.</b> Finalise and implement the new SAR process.</p>	<p><b>Management response:</b> Accepted CYC is currently underway with a review of the SAR process, Access to Records policy, training material</p>	Ongoing	Review process in line with refresh/review of DP policy and transfer of management and

	<p>etc. and will use this ICO report recommendations to further update where required. This review will include the writing of what will be required in the training packages, checklists/toolkits, templates and a communications plan.</p> <p><b>Owner:</b> Lorraine Lunt, Transparency &amp; Feedback Team Manager</p> <p><b>Date for implementation:</b> 31<sup>st</sup> January 2016</p>		<p>monitoring of all SAR requests from Veritau to CYC. This was not completed until early 2016. Also waiting for finalised version of the rights of individuals in the recent GDPR</p>
<p><b>b2.</b> Finalise the draft Access to Records Policy and SAR checklist. Update the 'Interim Practice Guidance to Social Workers: Subject Access Requests', 'Business Support SAR Process Children's Services' and 'Business Support SAR flowchart' to reflect the final SAR process.</p>	<p><b>Management response:</b> Accepted CYC is currently underway with a review of the SAR process, Access to Records policy, training material etc. and will use this ICO report recommendations to further update where required. This review will include the writing of what will be required in the training packages, checklists/toolkits, templates and a communications plan.</p> <p><b>Owner:</b> Lorraine Lunt, Transparency &amp; Feedback Team</p>	<p>Ongoing</p>	<p>transfer of management and monitoring of all SAR requests from Veritau to CYC was not completed until early 2016. Also waiting for finalised version of the rights of individuals in the recent GDPR</p>

	<p>Manager</p> <p><b>Date for implementation:</b> 31<sup>st</sup> January 2016</p>		
<p><b>b3.</b></p> <p>a) Update website guidance to reflect the new SAR process, as planned.</p> <p>b) Make the SAR guidance on the website easier to locate.</p>	<p><b>Management response:</b> Accepted Following completion of the review of the SAR process and Access to Records policy, and as part of the communications plan being actioned, (a) the website pages will be updated and (b) easier access and search options will be investigated and put in place where possible.</p> <p><b>Owner:</b> Lorraine Lunt, Transparency &amp; Feedback Team Manager</p> <p><b>Date for implementation:</b> 31<sup>st</sup> March 2016</p>	Ongoing	As b1 and b2



<p><b>b4.</b></p> <p>a) CYC should review current data processing contracts to ensure they include the appropriate obligations regarding SARs. This should be included in all future contracts with data processors.</p> <p>b) Integrate third party SARs into the new SAR process to ensure adequate oversight.</p>	<p><b>Management response:</b> Partially accepted  (a) CYC will undertake reviews of current data processing contracts at the time of renewal and (b) include the provision for 3rd party SARs within the review of the SAR process.</p> <p><b>Owner:</b> (a) Andy Docherty, Assistant Director  (b) Lorraine Lunt, Transparency &amp; Feedback Team Manager</p> <p><b>Date for implementation:</b> (a) to be determined by renewal timescales  (b) 31st March 2016</p>	<p>a) Ongoing</p> <hr/> <p>b) Ongoing</p>	<p>Link to a114. Relevant reviews undertaken when contracts have been renewed</p>
<p><b>b7.</b> Implement quality assurance procedures through the council team for all SAR responses as proposed.</p>	<p><b>Management response:</b> Accepted  CYC is currently underway with a review of the SAR process, Access to Records policy, training material etc. and will include how the CYC</p>	<p>Ongoing</p>	<p>Following on from completion of b1, b2, b3</p>

	<p>team will quality assure/check SAR responses and how this will be reported. The new IMB will be responsible for monitoring and compliance.</p> <p><b>Owner:</b> Lorraine Lunt, Transparency &amp; Feedback Team Manager</p> <p><b>Date for implementation:</b> 31st March 2016</p>		
<p><b>b8.</b> Raise awareness of the 'Interim Practice Guidance to Social Workers: Subject Access Requests' amongst all relevant staff/teams.</p>	<p><b>Management response:</b> Accepted CYC team will continue to raise awareness and provide guidance to relevant teams and staff.</p> <p><b>Owner:</b> Lorraine Lunt, Transparency &amp; Feedback Team Manager</p> <p><b>Date for implementation:</b> 30<sup>th</sup> November 2015</p>	Completed	
<p><b>b9.</b> As proposed, develop council wide training for staff so staff can recognise a SAR. Conduct training needs analysis of staff involved in</p>	<p><b>Management response:</b> Accepted CYC will include this training needs analysis in with that being done for records management, IAOs, IAAs</p>	Ongoing	Ongoing awareness raising by poster campaign on staff noticeboards, staff display screens.

<p>the SAR process and provide role specific training where appropriate.</p>	<p>etc. Training packages are being developed which will include induction and refresher awareness, and more role and responsibility specific training packages. Delivery will be using the most appropriate method e.g. lcomply, elearning or classroom.</p> <p><b>Owner:</b> Lorraine Lunt, Transparency &amp; Feedback Team Manager</p> <p><b>Date for implementation:</b> 30 April 2016</p>		<p>Included in induction package and elearning packages in development.</p>
<p><b>b10.</b> Update guidance available on staff intranet to reflect new SAR process.</p>	<p><b>Management response:</b> Accepted CYC will update intranet guidance when SAR process and Access to Records policy reviews are completed.</p> <p><b>Owner:</b> Lorraine Lunt, Transparency &amp; Feedback Team Manager</p> <p><b>Date for implementation:</b> 30 April 2016</p>	<p>Ongoing</p>	<p>Linked to b1, b2, b3</p>

<p><b>b14.</b> Where appropriate, staff should consider whether children have capacity to independently request a SAR.</p>	<p><b>Management response:</b> Accepted CYC will include this in SAR process and Access to Records policy guidance, training and published on the intranet. However if advice sought verbally whilst this work is underway, the CYC team will give this.</p> <p><b>Owner:</b> Lorraine Lunt, Transparency &amp; Feedback Team Manager</p> <p><b>Date for implementation:</b> 30 April 2016</p>	<p>Ongoing</p>	<p>Linked to b1, b2 and b3 and will be covered in training. Team continues to offer advice and support where required</p>
<p><b>b19.</b> The council team should routinely record what information (if any) is withheld under exemption or relating to third parties and the basis for withholding the personal data.</p>	<p><b>Management response:</b> Accepted CYC is currently underway with a review of the SAR process, Access to Records policy, training material etc. and will use this ICO report recommendations to further update where required. This review will include the writing of what will be required in the training packages, checklists/toolkits, templates and a communications plan.</p>	<p>Ongoing</p>	<p>Whilst policy, guidance and training is being developed, the council team continues to provide this advice and support</p>

	<p><b>Owner:</b> Lorraine Lunt, Transparency &amp; Feedback Team Manager</p> <p><b>Date for implementation:</b> 31<sup>st</sup> January 2016</p>		
<p><b>b20.</b> Formalise the requirement for staff to promptly contact the SAR requestor in the event of delay. In such cases, CYC should explain to the requestor the reason for the delay and the expected date for response.</p>	<p><b>Management response:</b> Accepted CYC is currently underway with a review of the SAR process, Access to Records policy, training material etc. and will use this ICO report recommendation to further update where required. This review will include the writing of what will be required in the training packages, checklists/ toolkits, templates and a communications plan.</p> <p><b>Owner:</b> Lorraine Lunt, Transparency &amp; Feedback Team Manager</p> <p><b>Date for implementation:</b> 31<sup>st</sup> January 2016</p>	Ongoing	This will be included in the policy, guidance and training is being developed, the council team continues to provide this advice and support for SAR responses.
<p><b>b21.</b> Record the formal process for chasing departments for SAR responses and escalating to Heads</p>	<p><b>Management response:</b> Accepted CYC will include this is the SAR process and monitoring reports will</p>	Ongoing	This will be included in the policy, guidance and training is being developed,

<p>of Services when overdue. This process should look to identify why the SAR is overdue, current progress, and when it is likely to be finished.</p>	<p>go the IMB to monitor compliance.</p> <p><b>Owner:</b> Lorraine Lunt, Transparency &amp; Feedback Team Manager</p> <p><b>Date for implementation:</b> 31<sup>st</sup> January 2016</p>		<p>the council team continues to provide this advice and support for SAR requests.</p>
<p><b>b22.</b> Ensure any new manual records are maintained to a good standard. Where practicable, take steps to improve any older files that have been poorly maintained.</p>	<p><b>Management response:</b> Accepted CYC will undertake to develop good standards for manual records in line with the work being done in Adults and Children's Social Care case management system improvements and linked to recommendations made for records management in this audit report.</p> <p><b>Owner:</b> Lorraine Lunt, Transparency &amp; Feedback Team Manager</p> <p><b>Date for implementation:</b> 30 June 2016</p>	<p>Ongoing</p>	
<p><b>b24.</b> Keep a record of the searches made to locate personal data in response to a SAR.</p>	<p><b>Management response:</b> Accepted CYC is currently underway with a review of the SAR process, Access</p>	<p>Ongoing</p>	<p>This will be included in the policy, guidance and training is being developed,</p>


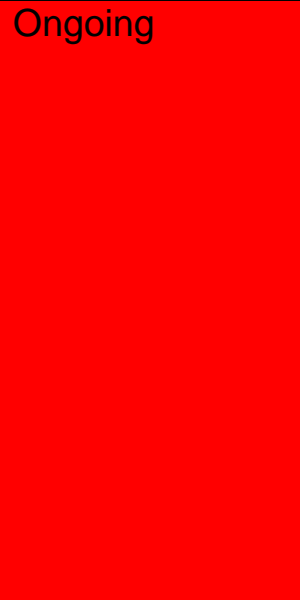
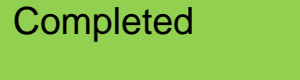
	<p>to Records policy, training material etc. and will use this ICO report recommendations to further update where required. This review will include the writing of what will be required in the training packages, checklists/toolkits, templates and a communications plan.</p> <p><b>Owner:</b> Lorraine Lunt, Transparency &amp; Feedback Team Manager</p> <p><b>Date for implementation:</b> 31<sup>st</sup> January 2016</p>		<p>the council team continues to provide this advice and support for SAR requests.</p>
<p><b>b25.</b> Ensure that adult social care retains an unredacted copy of the SAR response.</p>	<p><b>Management response:</b> Accepted CYC is currently underway with a review of the SAR process, Access to Records policy, training material etc. and will use this ICO report recommendations to further update where required. This review will include the writing of what will be required in the training packages, checklists/ toolkits, templates and a communications plan.</p>	<p>Completed</p>	

	<p><b>Owner:</b> Lorraine Lunt, Transparency &amp; Feedback Team Manager</p> <p><b>Date for implementation:</b> 31<sup>st</sup> January 2016</p>		
<p><b>b26.</b> Ensure there are appropriate retention periods for unredacted and redacted SAR responses.</p>	<p><b>Management response:</b> Accepted CYC will include this in the Access to Records policy, guidance, training and also publish on the intranet. However if advice sought verbally whilst this work is underway, the CYC team will give this.</p> <p><b>Owner:</b> Lorraine Lunt, Transparency &amp; Feedback Team Manager</p> <p><b>Date for implementation:</b> 31<sup>st</sup> January 2016</p>	Ongoing	<p>This will be included in the policy, guidance and training is being developed, the council team continues to provide this advice and support for SAR requests.</p>
<p><b>b28.</b> Ensure Yorkcraft securely destroy SAR responses in line with retention periods.</p>	<p><b>Management response:</b> Accepted CYC will include the requirement for a checking process at Yorkcraft for destruction of SAR responses in line with the current checking process they have for destruction of</p>	Completed	<p>In line with the amended destruction process</p>



	<p>other stored records.</p> <p><b>Owner:</b> Lorraine Lunt, Transparency &amp; Feedback Team Manager</p> <p><b>Date for implementation:</b> 31<sup>st</sup> January 2016</p>		
<p><b>b30.</b> Support the advice function provided by Veritau, and in future the council team, with written guidance on exemptions and redactions.</p>	<p><b>Management response:</b> Accepted CYC is currently underway with a review of the SAR process, Access to Records policy as well as training and guidance material required which includes exemptions and redacting information. Delivery of awareness and role –specific training will be delivered using a variety of methods such as induction and refresher sessions, lcomply, elearning and classroom based. However if advice sought verbally whilst this work is underway, the CYC team will give this.</p> <p><b>Owner:</b> Lorraine Lunt, Transparency &amp; Feedback Team</p>	<p>Ongoing</p>	<p>Supported Veritau up to the transfer to council team. Currently council team continues to provide advice and support on exemptions and redactions. This will be included in the policy, guidance and training being developed</p>

	<p>Manager</p> <p><b>Date for implementation:</b> 30<sup>th</sup> June 2016</p>		
<p><b>b31.</b> Amend practice guidance to advise staff to contact either Veritau or the council team for SAR advice when required.</p>	<p><b>Management response:</b> Accepted CYC is currently underway with a review of the SAR process, Access to Records policy as well as training and guidance material, which will include contact information for advice and support. However if advice sought verbally whilst this work is underway, the CYC team will give this.</p> <p><b>Owner:</b> Lorraine Lunt, Transparency &amp; Feedback Team Manager</p> <p><b>Date for implementation:</b> 30<sup>th</sup> April 2016</p>	Completed	
<p><b>b33.</b> Issue guidance and template letters/paragraphs to assist staff in their response to the data subject. This should include a description of how data subjects' personal data is being used and to whom it may be</p>	<p><b>Management response:</b> Accepted CYC is currently underway with a review of the SAR process, Access to Records policy as well as training and guidance material. This will include a suite of template</p>	Ongoing	Council team continues to provide advice and support on exemptions and redactions. This will be included in the policy, guidance and training being

<p>disclosed, an explanation of the searches undertaken to locate their personal data, and where appropriate, an explanation as to why information has been redacted or exempted.</p>	<p>responses for SARs. However if advice sought verbally whilst this work is underway, the CYC team will give this.</p> <p><b>Owner:</b> Lorraine Lunt, Transparency &amp; Feedback Team Manager</p> <p><b>Date for implementation:</b> 30<sup>th</sup> April 2016</p>		<p>developed</p>
<p><b>b34.</b> Consider marking SAR responses 'data subject copy' before release.</p>	<p><b>Management response:</b> Accepted CYC will include the requirement for a marking process in the review of the SAR process and Access to Records policy as well as include in the review of the data protection policy where relevant.</p> <p><b>Owner:</b> Lorraine Lunt, Transparency &amp; Feedback Team Manager</p> <p><b>Date for implementation:</b> 31<sup>st</sup> January 2016</p>	 <p>Ongoing</p>	<p>This will be included as part of the updated policy, process, guidance and training</p>
<p><b>b36.</b> Introduce regular reporting of SAR performance and complaints</p>	<p><b>Management response:</b> Accepted CYC has completed the review of</p>	 <p>Completed</p>	<p>SARs performance reported through York</p>

<p>to the CIGG or other relevant groups as proposed. Ensure that issues are acted upon accordingly.</p>	<p>the CIGG terms of reference which will now be the Information Management Board (IMB) and includes monitoring and compliance, in its purpose, aim, remit and objectives. The first meeting is planned for mid-November at which the standard agenda items, such as KPI reporting, will be approved.</p> <p><b>Owner:</b> Lorraine Lunt, Transparency &amp; Feedback Team Manager</p> <p><b>Date for implementation:</b> 31<sup>st</sup> December 2015</p>		<p>Open Data platform. Also issues etc taken to IMB when required</p>
<p><b>b37.</b> Introduce and regularly monitor an appropriate target rate for SAR compliance, as planned. See also b36.</p>	<p><b>Management response:</b> Accepted The SAR report for 1<sup>st</sup> April 2015 to 31<sup>st</sup> August 2015 shows 30 SARs received, 25 responded to in time and 5 out of time, which is a compliance rate of 83.3%. Reporting of KPIs will be through the new IMB and will include SAR compliance. The first meeting is planned for mid-November.</p>	<p>Completed</p>	<p>SARs performance reported through York Open Data platform. Also issues etc taken to IMB when required.</p>

	<p><b>Owner:</b> Lorraine Lunt, Transparency &amp; Feedback Team Manager</p> <p><b>Date for implementation:</b> 31<sup>st</sup> December 2015</p>		
<p><b>b38.</b> Produce management information on SAR compliance which can demarcate performance at the service level, as planned.</p>	<p><b>Management response:</b> Accepted Reporting of KPIs will be through the new IMB and will include SAR compliance rates both for the whole council and by service. The first meeting is planned for mid-November. Also the review of the SAR process will include points during the 40 day timescale to provide opportunities for early identification of issues.</p> <p><b>Owner:</b> Lorraine Lunt Transparency &amp; Feedback Team Manager</p> <p><b>Date for implementation:</b> 31<sup>st</sup> December 2015</p>	Ongoing	Following on from transfer from Veritau, now capturing all SARs received across the council and implemented a reporting process for directorate/council. Further work underway to establish further drill down reporting
<p><b>b39.</b> Raise awareness amongst staff that the new process requires</p>	<p><b>Management response:</b> Accepted CYC has conducted an awareness</p>	Completed	

<p>all SAR requests go to the council team in the first instance.</p>	<p>campaign for SARs using a variety of methods e.g. staff email, staff newsletter, display screens in staff hub areas and posters on all staff noticeboards.</p> <p>The current review of the SAR process and Access to Records policy will include opportunities for further ongoing awareness.</p> <p><b>Owner:</b> Lorraine Lunt Transparency &amp; Feedback Team Manager</p> <p><b>Date for implementation:</b> 31<sup>st</sup> January 2016</p>		
<p><b>c3.</b> Finalise and action the MAISP Implementation Strategy, and align existing ISAs to MAISP requirements, as planned.</p>	<p><b>Management response:</b> Accepted</p> <p>The MAISP has been published on the CYC intranet and further progress of the final MAISP implementation strategy is underway. The MAISP information sharing template is also published on the intranet and has been used for new arrangements. Using the IAR monitoring process, CYC will be able to identify a schedule for</p>	<p>Ongoing</p>	<p>All new DSAs and those being reviewed are using the same template approach as in the MAISP template.</p> <p>Further reviews of existing DSAs is linked to IAR</p>

	<p>review of ISAs which will include alignment with MAISP for relevant ISAs.</p> <p><b>Owner:</b> Lorraine Lunt, Transparency &amp; Feedback Team Manager</p> <p><b>Date for implementation:</b> 30 June 2016</p>		
<p><b>c4.</b> Ensure all ISAs are signed off by an appropriately senior member of staff.</p>	<p><b>Management response:</b> Accepted CYC has highlighted this at the MAISP group and there has been an agreement to consider making any relevant amendments to the MAISP from the recommendations. CYC is also underway with the review of data protection policy and processes which include the development of a toolkit for completing ISA e.g. request and decision templates, ISA templates, checklists etc. and training and guidance will be provided to those with ISA responsibilities.</p> <p><b>Owner:</b> Lorraine Lunt, Transparency &amp; Feedback Team</p>	<p>Completed</p>	

	<p>Manager</p> <p><b>Date for implementation:</b> 31<sup>st</sup> March 2016</p>		
<p><b>c5.</b> Embed requirement to record the reason for all data sharing decisions at CYC.</p>	<p><b>Management response:</b> Accepted CYC is underway with the review of data protection policy and processes which include the development of a toolkit for completing ISA e.g. request and decision templates, ISA templates, checklists etc. and training and guidance will be provided to those with ISA responsibilities.</p> <p><b>Owner:</b> Lorraine Lunt, Transparency &amp; Feedback Team Manager</p> <p><b>Date for implementation:</b> 31<sup>st</sup> March 2016</p>	Ongoing	This is linked to IAR
<p><b>c7.</b> Conduct generic and role-based training needs analysis for all staff sharing personal data at CYC. Deliver appropriate training, including refresher training, thereafter.</p>	<p><b>Management response:</b> Accepted CYC will link this with the identification of other local records management and data protection role specific responsibilities, and include it in the training/</p>	Ongoing	Work is planned in to develop and deliver with assistance from elearning where possible



	<p>learning/development mandatory framework including induction, targeted dedicated sessions aligned to local or role specific responsibilities, and refreshers as well as the PDR process. This means that progress of TNA will be aligned to the timescales for training development and delivery.</p> <p><b>Owner:</b> Lorraine Lunt, Transparency &amp; Feedback Team Manager</p> <p><b>Date for implementation:</b> 30<sup>th</sup> June 2016</p>		
<p><b>c10.</b> Communicate individual responsibilities set out in MAISP to relevant staff.</p>	<p><b>Management response:</b> Accepted CYC has published the MAISP on the intranet. CYC team has already advised on responsibilities to those services/ areas/ staff who have requested advice on information sharing. Further roll out is planned as set out in the MAISP implementation strategy which will be amended and finalised from the draft version provided during the</p>	<p>Completed</p>	

	<p>audit.</p> <p><b>Owner:</b> Lorraine Lunt, Transparency &amp; Feedback Team Manager</p> <p><b>Date for implementation:</b> 31<sup>st</sup> December 2015</p>		
<p><b>c12.</b> Update the data sharing elements of the Data Protection Policy.</p>	<p><b>Management response:</b> Accepted CYC will include this is the review underway of the data protection policy.</p> <p><b>Owner:</b> Lorraine Lunt, Transparency &amp; Feedback Team Manager</p> <p><b>Date for implementation:</b> 29<sup>th</sup> February 2016</p>	Ongoing	Linked to progress of review of DP policy
<p><b>c13.</b> Develop a comprehensive up-to-date suite of policies, procedures and guidance for data sharing.</p>	<p><b>Management response:</b> Accepted CYC is underway with a review of full suite of policies and processes, training packages, guidance, checklists, toolkits, templates, monitoring and compliance reporting (with KPIs and targets) which includes data sharing.</p>	Ongoing	

	<p><b>Owner:</b> Lorraine Lunt, Transparency &amp; Feedback Team Manager</p> <p><b>Date for implementation:</b> 30<sup>th</sup> June 2016</p>		
<p><b>c18.</b> Finalise the draft Project Management Approach, and associated documents. Develop a specific policy for PIAs. See also c13.</p>	<p><b>Management response:</b> Accepted CYC will finalise the draft PM approach and associated documents. CYC will finish development of a PIA policy which will include the current PIA toolkit and guidance material and updating the information available on the intranet.</p> <p><b>Owner:</b> Lorraine Lunt, Transparency &amp; Feedback Team Manager</p> <p><b>Date for implementation:</b> 31<sup>st</sup> December 2015</p>	Ongoing	Recent senior management approval for “All about projects” and PIAs are included
<p><b>c21.</b> Cascade PIA requirements and guidance throughout CYC, once finalised.</p>	<p><b>Management response:</b> Accepted CYC is underway with the cascading of PIA requirements and guidance, by publishing on the intranet and provision of advice and support in conducting PIAs. PIAs</p>	Ongoing	PIA guidance and toolkit is available and is currently provided directly to individuals from the council team. Provision of high level PIA training is being

	<p>will be monitored via the IAR and the IMB.</p> <p><b>Owner:</b> Lorraine Lunt, Transparency &amp; Feedback Team Manager</p> <p><b>Date for implementation:</b> 31<sup>st</sup> December 2015</p>		designed for elearning.
<p><b>c22.</b> Ensure PIAs are carried out for individual applications of Doqex, as planned.</p>	<p><b>Management response:</b> Accepted CYC is underway with the further PIA requirements for Doqex.</p> <p><b>Owner:</b> Lorraine Lunt, Transparency &amp; Feedback Team Manager Transparency &amp; Feedback Team Manager.</p> <p><b>Date for implementation:</b> 31<sup>st</sup> December 2015</p>	Completed	
<p><b>c24.</b> Establish governance arrangements at CYC to systematically review ISAs.</p>	<p><b>Management response:</b> Accepted CYC will include this in the IAR monitoring process and has included the monitoring/compliance in the new terms of reference for the IMB.</p>	Completed	

	<p><b>Owner:</b> Lorraine Lunt, Transparency &amp; Feedback Team Manager</p> <p><b>Date for implementation:</b> 31<sup>st</sup> December 2015</p>		
<p><b>c25.</b> Formalise the terms of reference for the MAISP cross-county Information Governance Monitoring Group. Ensure the MAISP cross-county Information Governance Monitoring Group and/or MAISP “Information Sharing quarterly review” group periodically review the membership and workings of MAISP.</p>	<p><b>Management response:</b> Accepted The terms of reference for the MAISP being formalised and the comment regarding incorporating periodic review of the membership and workings of MAISP by the relevant group, was raised at the September meeting. This will be formalised at the next relevant meeting.</p> <p><b>Owner:</b> Lorraine Lunt, Transparency &amp; Feedback Team Manager</p> <p><b>Date for implementation:</b> 31<sup>st</sup> January 2016</p>	Completed	
<p><b>c27.</b> Develop service level and a central, register of all ISAs, which detail the nature of the sharing, authorisation, and the partners.</p>	<p><b>Management response:</b> Accepted CYC is underway with implementing a register of all ISAs using the IAR process and the</p>	Ongoing	Linked to IAR

<p>This should include information about the legal basis for data sharing.</p>	<p>development of data sharing request and decision templates.</p> <p><b>Owner:</b> Lorraine Lunt, Transparency &amp; Feedback Team Manager</p> <p><b>Date for implementation:</b> 31<sup>st</sup> January 2016</p>		
<p><b>c28.</b> Ensure there are corporate controls in place to ensure the data shared is of appropriate quality and is not retained for longer than necessary by all parties. This requirement should also be reflected in relevant policies and guidance.</p>	<p><b>Management response:</b> Accepted CYC will include the requirement for controls for quality within both the review of the data protection policy and processes and records management policy and processes.</p> <p><b>Owner:</b> Lorraine Lunt, Transparency &amp; Feedback Team Manager</p> <p><b>Date for implementation:</b> 29<sup>th</sup> February 2016</p>	<p>Ongoing</p>	<p>Underway as part of the DSA being written and approved</p>

<p><b>c29.</b>  a) Update MAISP to explicitly discuss the requirement that shared data is minimised to agreed data sets or redacted.  b) Ensure ISAs, relevant policies and guidance include the requirement that shared data is minimised to agreed data sets or redacted.</p>	<p><b>Management response:</b> Accepted  (a) This recommendation will be shared at the next relevant MAISP group meeting  (b) CYC will include this requirement within the review of the relevant policies and processes.</p> <p><b>Owner:</b> Lorraine Lunt, Transparency &amp; Feedback Team Manager</p> <p><b>Date for implementation:</b> 29th February 2016</p>	<p>a) completed</p> <p>b) ongoing</p>	
<p><b>c30.</b> Issue common guidance to CYC about clearly distinguishing between fact and opinion when recording personal data.</p>	<p><b>Management response:</b> Accepted  CYC will update existing guidance where required and include in the relevant policy and processes reviews e.g. as part of the development of training materials and packages.</p> <p><b>Owner:</b> Lorraine Lunt</p>	<p>Ongoing</p>	<p>To be included in elearning training development</p>


	<p>Transparency &amp; Feedback Team Manager</p> <p><b>Date for implementation:</b> 29<sup>th</sup> February 2016</p>		
<p><b>c31.</b> Ensure that where appropriate, the sender informs recipients when shared data has been amended or updated.</p>	<p><b>Management response:</b> Accepted CYC will update existing guidance where required and include in the relevant policy and processes reviews e.g. as part of the development of training materials and packages.</p> <p><b>Owner:</b> Lorraine Lunt, Transparency &amp; Feedback Team Manager</p> <p><b>Date for implementation:</b> 29<sup>th</sup> February 2016</p>	Ongoing	Work will restart following unexpected absence by owner, to include this in the relevant policy reviews
<p><b>c34.</b> Ensure common retention and disposal arrangements are included in all ISAs and that these are adhered to by all parties to any given ISA.</p>	<p><b>Management response:</b> Accepted CYC will include the requirement for retention and disposal arrangements to be included in all new ISAs and be part of the review for existing ISAs. The IAR process will enable monitoring of this.</p>	Ongoing	Ensuring this by use of MAISP DSA template for those areas where possible. Amended version of this template is in use in other areas



	<p><b>Owner:</b> Lorraine Lunt, Transparency &amp; Feedback Team Manager</p> <p><b>Date for implementation:</b> 30<sup>th</sup> June 2016</p>		
<p><b>c36.</b> Ensure that all ISA and supporting procedures set out specifically how personal data will be shared securely.</p>	<p><b>Management response:</b> Accepted The partner information sharing agreement template in the MAISP has a section to detail how information will be shared at section 7. CYC has included this in the development of the data sharing request and decision templates. It will also be reflected in the review of the data protection policy and processes, training material etc.</p> <p><b>Owner:</b> Lorraine Lunt, Transparency &amp; Feedback Team Manager</p> <p><b>Date for implementation:</b> 29<sup>th</sup> February 2016</p>	Completed	
<p><b>c38.</b> ISAs should ensure that access to shared personal data is restricted to authorised personnel</p>	<p><b>Management response:</b> Accepted CYC will include this requirement in the review of the data protection</p>	Completed	

<p>within each organisation where possible, on the basis of business need, e.g. a nominated point-of-contact.</p>	<p>policy and processes, training material etc. and in the data sharing request and decision templates.</p> <p><b>Owner:</b> Lorraine Lunt, Transparency &amp; Feedback Team Manager</p> <p><b>Date for implementation:</b> 29th February 2016</p>		
<p><b>c41.</b> Include a clause in data processor contracts requiring them to notify CYC of any data security breaches.</p>	<p><b>Management response:</b> Accepted CYC will write a clause to be included in new tender documents to provide us with this notification and for existing contracts. We will include this at the point of renewal.</p> <p><b>Owner:</b> Andy Docherty, Assistant Director</p> <p><b>Date for implementation:</b> 29<sup>th</sup> February 2016</p>	Ongoing	Linked to contract reviews.
<p><b>c42.</b> Develop a policy for disclosing personal data to third parties. This should be communicated to staff and updated regularly.</p>	<p><b>Management response:</b> Accepted CYC is underway with a review of the data protection policy and processes (and Access to Records policy) which will include provision</p>	Ongoing	Linked to the DP policy update and review

	<p>for disclosing to 3<sup>rd</sup> parties. This will be reflected in training packages and guidance.</p> <p><b>Owner:</b> Lorraine Lunt, Transparency &amp; Feedback Team Manager</p> <p><b>Date for implementation:</b> 29<sup>th</sup> February 2016</p>		
<p><b>c45.</b> Establish a central register for information requests from third parties. This should record the steps taken to identify the nature of the disclosure, the requester and the reason for any disclosure.</p>	<p><b>Management response:</b> Accepted CYC will create a central register for third party information requests as part of the review of the data protection policy and processes. This will be created and managed using the case management system currently used for FOI, EIR, SAR etc. enquiries.</p> <p><b>Owner:</b> Lorraine Lunt, Transparency &amp; Feedback Team Manager</p> <p><b>Date for implementation:</b> 31<sup>st</sup> December 2015</p>	Completed	
<p><b>c46.</b> Ensure third party disclosure</p>	<p><b>Management response:</b> Accepted</p>	Completed	

<p>decisions are quality assured and/or approved by appropriate staff.</p>	<p>CYC is underway with a review of the data protection policy and processes which will include provision for quality assurance monitoring. Quality assurance monitoring will include the checking of appropriate approvals for disclosure decisions to third parties.</p> <p><b>Owner:</b> Lorraine Lunt, Transparency &amp; Feedback Team Manager</p> <p><b>Date for implementation:</b> 29<sup>th</sup> February 2016</p>		
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Audit and Governance Committee

Report of the Programme Manager for the Chief Executive

## **Programme/Project Management Update**

### **Summary**

1. The purpose of this report is to present to the Audit and Governance committee an update on the project management framework, to update on areas of the framework that are being strengthened and to provide an update on the Major projects, as agreed at Audit and Governance Committee on the 23<sup>rd</sup> September 2015.

### **Background**

2. The council undertakes a large amount of programme and project management and there is a necessity to ensure that there is an ongoing drive to maintain the standards that have previously been set and to strengthen areas where required.
3. In the context of reducing resources there is a challenge to ensure that the management of programmes and projects is as efficient as possible. This includes the project management approach and the governance, decision making and assurance.

### **Programme Management**

4. In order to control the delivery of projects they are organised programmes. Programmes encapsulate the required outcomes that deliver the council's strategic objectives whilst the projects within the programmes deliver the outputs that contribute to the outcomes. City of York council operate the Managing Successful Programmes methodology (MSP).
5. It is important to have a sound programme management approach in place in order to manage overarching issues relating to the delivery of

projects, such as alignment to corporate objectives, benefits realisation, resourcing and importantly prioritisation.

6. It is an ongoing issue for the council ensuring that projects are in place to meet expectation whilst ensuring that there is enough resource to deliver those projects. This has been a challenge as the council budgets have reduced, so it is particularly important to put in place a hierarchy of programmes that includes a formal link into the management of support services that will be required to work across projects. The programme structure is currently under review and a structure will be created around a corporate programmes/projects board.
7. Council Management Team (CMT) will act as the corporate programmes/projects board and the Major projects, including the Future shape and size projects (which cover the majority of transformational work) will be part of the business of this board. Corporate programmes/projects board CMT will take a regular CMT agenda every two months and updates will be taken to the regular CMT meetings where required by exception.
8. The Project Assessment Matrix (see **Annex B** this is a document from the All About Projects (AAP) framework) will be used to score a project and this will be held in a Directorate project register. There will be ongoing assessment of the expected outcomes of projects, that will roll up to programmes and the result will be a mechanism that will allow decisions on reprioritisation and ensure that the council is running realistic and achievable projects.
9. Programme leads have been identified within Directorates to oversee the Directorate programme and to work together to on corporate alignment and issues. There is an ongoing review to ensure that programme briefs and terms of reference are up to date for the programme boards.
10. For Directorates the programme brief will form part of the Directorate service plans and will be refreshed on an annual basis to reflect the priorities within the Directorate.

### **Programme Assurance**

11. The role of programme and project assurance is there to measure the likelihood of success and to put in place recommendations for improvement. Work is ongoing to strengthen programme assurance and make the process more efficient.

12. A programme assurance group is in the process of being set up with the Directorate programme leads as the members and will include support leads from HR, Finance, ICT, audit and external peer support where required.

13. The Directorate programme lead would be responsible for the project register in their Directorate and be able to actively contribute in terms of assurance of corporate alignment and issues. Examples of activities of this group will be:

- Ensure that assurance arrangements are in place for projects in their Directorate.
- Support Project assurance on projects within their Directorate bringing forward recommended interventions to the Project Sponsors where required.
- Make recommendations on interventions to their Directorate Management Team (DMT) on programme assurance
- With the rest of the Programme assurance group, make recommendations on interventions or improvements to CMT.
- Ensure that large and medium sized projects are working to the AAP framework (implicit in this is sound business case, planning, risk and resource management).
- Keep a register of large and medium sized projects by programme where appropriate.
- Oversee the gateway process.
- Keep sight of the resource picture and ensure that commitments aren't duplicated.
- Ensure that the necessary governance is in place and documents relating to the governance (e.g. Terms of reference) are up to date.

14. The role of corporate programme assurance has also been assigned in order to be the overall point of contact and to lead the programme assurance group.

## Projects

15. In order to ensure that projects are managed and delivered with the appropriate level of assurance, in December 2015 the council introduced the All About Projects (AAP) framework to this committee. The AAP framework has been developed based on industry standard best practice (including Prince2) as a robust but flexible model for project management at CYC.
16. Within the framework a project is defined as a 'temporary group activity designed to deliver one or more product, service or result according to a specified business case.' In other words:
  - A project is temporary – it has a clear start and end date, and therefore defined scope and resources
  - It has specified deliverables (services or products) that can be measured
  - It has a number of tasks to deliver those services or products
  - A project is unique - it is not a routine operation (business as usual), but a specific set of operations designed to accomplish one or more goals
  - A project team often includes people who don't usually work together – sometimes from different organisations but always with clear roles and responsibilities.
17. The following are areas that have been further developed to strengthen our project management approach in the last 4 months (January to April):
  - The Discovery phase is an important pre-project phase where the problem is shaped, knowledge is gathered in order to examine what the council do and what others do (including best practice), ideas are scrutinised and prototyped and proposals are brought forward in order to seek a mandate to move to developing a business case. A key point is that there is no live project at this stage. It is important to embed the thinking and practices around this phase into the everyday business of services areas. This will create a culture that is more responsive to change. There is now more detailed guidance on the Discovery phase.
  - Business case development forms the backbone of the new framework and its evolution and the accompanying options presentation and appraisal are important to an efficient journey



through the framework. Key is ensuring that the business case has a sound foundation and that its development from Strategic case, through to Outline case to Full case is clear.

- Gateway points have been built into the framework to ensure that necessary approval, resource and documentation is in place and the risks are understood in order to move to the next phase of the AAP process.
  - The framework is designed to allow an iterative approach to the design and implementation of the products in the projects.
  - The framework is flexible in order to cater for different sized projects and during the pre-project phase a project assessment matrix is used to judge the scale of a project (this involves political, financial, etc, criteria). **Annex B** shows the matrix that is used to assess projects.
  - Project reporting will be tied closely to the council's performance management framework and Major project reporting will be tied closely to performance reporting.
  - Built into the framework are pointers to assist teams with impact assessments during the project (e.g. Communities Impact Assessment (CIA), One Planet Living Impact assessment, Privacy Impact Assessment (PIA)). Work is ongoing to develop an "integrated" impact assessment approach which ensures that the appropriate evidence base is being gathered to consider various impacts and that the process is efficient and joined up.
18. Alongside the new framework the existing project management system, Verto, is being reconfigured to support the new framework. This will be complete mid May 2016.
19. **Annex A** provides an update on the Major projects. Within this updates additional information on lead Councillor, Directorate, dependencies and links to reports.
20. The Major project list is still in development and is provided to inform the committee in performing its role of risk and assurance of the project management approach. Executive is responsible for scheme financing/policy and Scrutiny will perform detailed reviews of any relevant project.

## **Implementing the AAP Framework**

21. The implementation of the AAP framework has been done in stages over the last 8 months. This has included:
- The development of documentation and guidance to support the framework (released to Audit and Governance in December 2015)
  - The embedding of the AAP framework into the “Introduction to projects” course run by the Workforce Development Unit.
  - Focused demonstration of the framework and the Verto project management system with senior officers, members and key project staff
  - Communications via management teams (including the Service to City group) to cascade to teams, Intranet and Buzz and through the network of staff involved with project management across the council.
22. A key element is the reconfiguration of Verto to support the new framework. In the last 3 months amendments have been made to the framework to further strengthen the discovery phase and the gateway process. Verto is being amended to reflect these changes and it is expected that the changes will be in place by mid May 2016.
23. A plan is in place to move projects into Verto, if they aren't already in the system, now it has been updated to reflect the new AAP framework fully. This will be complete by the end of June 2016.

## **Resourcing**

24. There is a requirement to ensure that there is in place the appropriate level of resource to work on projects and the resources to support the project management framework. It is imperative that when the business case is being developed that any resource that impacts on the project is considered whether that is a direct resource, such as a Project Manager, or an indirect resource, such as HR Business partner.
25. Resource plans, developed on a project by project basis, will be rolled up to programme level in order to manage pinch points in resource demand. It is recognised that the resourcing of current and future projects is a major factor in the deliverability of those projects.

## Recommendations

26. Audit & Governance Committee are asked to note the updates to programme and project approach, consider the project information provided and provide feedback on any further data that they wish to see in future updates

Reason: To ensure that the committee is kept updated on key programme and project activity.

## Contact Details

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Dave Atkinson Programme Manager 01904 553481	Steve Stewart, Chief Executive		
	<b>Report Approved</b>	√	<b>Date</b> 29 April 2016
<b>Specialist Implications Officer(s)</b> None			
<b>Wards Affected:</b> All			√
<b>For further information please contact the authors of the report</b>			

## Abbreviations

AAP – All About Projects (this is the council's project management framework)

CIA – Communities Impact Assessment

CMT – Council Management Team

CYC – City of York Council

DMT – Directorate Management Team

MSP – Managing Successful Programmes

PIA – Privacy Impact Assessment

Prince2 – Prince2 is a project management methodology that is widely adopted for managing projects in the public sector.

RAG – this is a risk status rating, which stands for “Red”, “Amber” or “Green”

Verto – Verto is the council's project management ICT system

## Annexes

**Annex A** – Update of Major projects

**Annex B** – Project Assessment Matrix

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## Update of Major Projects

Over the page is a summary of Major projects included (the projects in this list will be reviewed for the update at the next to Audit and Governance committee):

### **Please note before reviewing the Major project information:**

- The Summary of Major projects is still in development and is provided to inform the committee in performing its role of **risk and assurance of the project management approach**.
- Executive is responsible for scheme financing/policy and Scrutiny will perform detailed reviews of any relevant project.
- Further information on projects can be provided to the committee on request or the committee can request that a relevant scrutiny committee to do a more detailed review.
- The status (RAG – Red, Amber or Green) is provided to give an overview of any significant risks and provide assurance as to how individual projects are being managed. At this stage, it is the view of the Project Manager. Further work is being undertaken on the method of rating and how this is made consistent across the corporate programme. The rating is relative to the phase/gateway in the framework that the project is in and not necessarily a comment on the overall deliverability of a project, so if a project is in the process of developing the strategic business case the rating is based on the progress in that phase not about whether the options will ultimately provide a deliverable project.
- It is recognised that further work is required in order to ensure that the projects listed below are properly resourced in order to meet their objectives on an ongoing basis and work is ongoing to meet this requirement

<b>Programme/Project</b>	<b>Status (RAG)</b>
Local Plan	Amber
Community Stadium	Green
The Guildhall	Green
Southern gateway	Amber
York central	Amber
Burnholme and wellbeing campus	Green
Adult Social Care	
- Older Person's Accommodation	Green
- Integration – including the Better Care Fund	Amber
- Care Act	Green
Future shape and size	Green
ICT	
- Customer Relationship management (CRM)	Amber
- Mosaic (adults)	Green
- Mosaic (children)	Green
- Total Mobile	Green
Public Health 0-19 year olds – The Healthy Child programme	Amber

**Detailed updates**

<b>Project title</b>	Local Plan	
<p><b>Description</b></p> <p>The 'Local Plan' is a citywide plan which sets the overall planning vision and the spatial land use strategy for the city. It provides a portfolio of both housing and employments sites for at least a 15 year period and will set the Green Belt boundaries for York. In addition it incorporates both policies and approaches to set the context for development management decisions. Effectively, it sets out the opportunities and policies on what will or will not be permitted and where, including new homes and businesses.</p> <p>The Local Plan must be accompanied by an infrastructure delivery plan setting out the Council's approach to strategic infrastructure and its funding. All housing and employments sites included must be viable and deliverable this is directly linked to future approaches to planning gain i.e. CiL and S106.</p> <p>In response to both the Council resolution in autumn 2014, and the changed national and local context, officers have initiated or a series of work streams to inform the next stages of plan production. This relates to housing need, economic growth and the related need for employment land, and detailed site assessments.</p> <p>The production of the plan has to be in accordance with statute and national guidance. This includes a legal requirement to work with neighbouring authorities. It also means that the plan must be subject to Sustainability and Environmental Assessments. It will also ultimately be subject to an independent examination by a government inspector.</p>		
<b>Financial investment</b>	Financial saving	<b>Reputational</b>
<p><b>Current status</b></p> <p><b>Amber</b> – Although progress has been made given the nature of the technical work required this has taken sometime to produce and will need to be the subject of Member consideration and debate.</p> <p>Following a report to Executive on 30th July 2015 officers have undertaken</p>		

<p>several technical work streams some of which were reported to the Local Plan Working Group in Autumn. A further report on future demand for housing and employment land and potential sites is expected shortly.</p>	
<p><b>Future outlook</b> Following the report detailed above it is anticipated that significant progress will be made toward the submission of the Local Plan to the Secretary of State.</p>	
<p><b>Key risks</b> Key risks identified at Executive 30th July:</p> <ul style="list-style-type: none"> <li>• Potential damage to the council's image and reputation if a development plan is not adopted in an appropriate time frame</li> <li>• Financial risk associated with the Council's ability to utilize planning gain and deliver strategic infrastructure. Also potential financial penalties from government.</li> <li>• Potential threat of government intervention if sufficient progress isn't made.</li> </ul> <p>Measured in terms of impact and likelihood, the risks associated have been assessed as requiring frequent monitoring.</p>	
<b>Reports to</b>	Executive, Local Plan Working Group
<b>Exec member</b>	<p>Cllr. Ian Gillies is Executive Member</p> <p>Cllr. Chris Steward and Cllr. Keith Aspden are responsible for leading the process. Cllr Nigel Ayre chairs LPWG</p>
<b>Director responsible</b>	Neil Ferris – Director of City and Environment Services
<b>Dependencies</b>	Deliverability of York Central
<b>Link to paper if it has been to another member meeting (e.g. executive, council, a scrutiny committee)</b>	<p>Executive July 2015</p> <p><a href="http://democracy.york.gov.uk/ieListDocuments.aspx?CId=733&amp;MId=8840&amp;Ver=4">http://democracy.york.gov.uk/ieListDocuments.aspx?CId=733&amp;MId=8840&amp;Ver=4</a></p> <p>Document</p> <p><a href="http://democracy.york.gov.uk/documents/s98802/Report.pdf">http://democracy.york.gov.uk/documents/s98802/Report.pdf</a></p>



<b>Project title</b>	Community Stadium	
<p><b>Description</b></p> <p>The Community Stadium project will deliver a new football and rugby stadium for professional sport and community sport and leisure facilities for the city of York. The project also includes a new athletics facility for use by York Athletic Club as well as many community uses and work with community partners.</p> <p>The core project objectives are to provide a new Community Stadium within a new leisure facility complex on the grounds of the existing Huntington Stadium / Waterworld swimming pool.</p> <p>This project represents an opportunity to create one of the country's most far reaching community stadium complexes.</p>		
<b>Financial investment</b>	Financial saving	<b>Reputational</b>
<p><b>Current status</b></p> <p><b>Green</b></p> <p>On 17th March 2016 an update on the progress of the procurement process was presented to Executive. The paper also reflected the commitment for the long – term future of Yearsley Pool.</p> <p>On 24th March 2016 the report was presented to Full Council. The report was approved in full.</p> <p>In the last six months of the project progress has been made as follows:</p> <ul style="list-style-type: none"> <li>• Demolition of the existing stadium and leisure facilities, Waterworld, on the Huntington site.</li> <li>• The official opening of the new county standard athletics track at the University of York campus in April by Dame Kelly Holmes.</li> <li>• Planning amendment submitted for an S73 change to the approved planning consent. Planning committee for this will be in June 2016.</li> <li>• The Council confirmed its commitment to Yearsley Pool and redefined the full Project Programme Plan associated with the project.</li> <li>• In March 2016 completion of the extension to the Monks Cross Park and Ride, remodeling the site and increasing the capacity of the service in readiness for the new facilities.</li> </ul>		

- All appropriate planning conditions have been discharged that allow the demolition of Huntington Stadium and Waterworld and work to extend the Monks Cross P&R site.

### **Future outlook**

The scheme is predicted to create around 165 FTE jobs including match and event day staff. There will also be additional temporary construction jobs created during the build phase.

During the construction period the development will generate a range of employment opportunities. At the peak of the construction programme, there would be up to 250 people on the site.

The new stadium has the potential to increase supporter demand and attendance numbers. Evidence suggests that the new stadium could generate from 20% - 40% increase in visitor numbers. A 20% increase in visitor numbers to the stadium will equate to 4,200 additional visitors per year from outside the City of York.

Between £129,831 & £259,662 additional expenditure could be generated per annum from the stadium, based on a range of 20% to 40% increase in attendance at matches.

The next steps involve:

- Planning committee in June 2016 to seek approval for non-material changes to the design and size of the cinema building.
- Completion of the Design, Build, Operate and Maintain (DBOM) contract, following Call in and Judicial review periods following planning consent, approximately August 2016.
- Full construction to begin September 2016.
- Site completion for January 2018.

### **Key risks**

- Consortium withdraws from project as scheme and delivery becomes unaffordable and unachievable.
- Delay to the completion date due to change of scope for the project.
- Project exceeds existing financial parameters agreed under current proposals.
- Planning consent for the amendment is refused or called in.

A detailed risk and issue register is managed by the project team and reported on a monthly basis to the Council's internal Project Board. Many of

these risks contain commercially sensitive information and therefore the risk / issue register is not published as part of this report.	
<b>Reports to</b>	Executive, Economic Development and Transport Scrutiny Committee, Project Board
<b>Exec member</b>	Cllr. Nigel Ayre
<b>Director responsible</b>	Ian Floyd – Director of Customers and Business Support Services
<b>Dependencies</b>	Yearsley review. The continued operation of Yearsley is potentially linked to the DBOM contract proposed.
<b>Link to paper if it has been to another member meeting (e.g. executive, council, a scrutiny committee)</b>	Full Council March 2016: <a href="http://democracy.york.gov.uk/ieListDocuments.aspx?CId=331&amp;MId=8836&amp;Ver=4">http://democracy.york.gov.uk/ieListDocuments.aspx?CId=331&amp;MId=8836&amp;Ver=4</a>

<b>Project title</b>	The Guildhall	
<b>Description</b>  The Guildhall is to be re-purposed as a business club and serviced office venue, managed by a commercial operator, with retained council use for full council meetings and civic events. The redevelopment will also include supporting commercial leisure use, a restaurant on the riverside.		
<b>Financial investment</b>	<b>Financial saving</b>	<b>Reputational</b>
<b>Current status</b>  <b>Green</b>  Following the Exec approval of 29 Oct 2015 the following progress has been made : <ul style="list-style-type: none"> <li>• The Design Team led by Architects Burrell Foley Fischer undertook a robust review of the Feasibility work and produced a refined Concept Design which met the strategic brief and enhanced the potential of the complex. This was agreed by the Project Board to progress to RIBA stage 3 Detail Design. They have also commissioned / undertaken detail measured surveys / structural and condition surveys and other specialist investigations</li> <li>• This emerging design option meets the strategic brief requirements, and offers the potential for the Guildhall main hall to be at the heart of the revitalised complex and for the business club and serviced office venue to derive maximum benefit from using this space.</li> <li>• Project development work is progressing in accordance with the Executive approval and the project programme and is currently on track to report back to Executive in July requesting permission to proceed to the delivery stage.</li> <li>• Following a detailed analysis it was agreed to select a commercial operator for the business club and serviced office venue on the basis of a commercial lease – where the Executive approval was clear that no specific use should be specified. This process is now underway with lease bids to be returned in 6 weeks time. CYC reserved use of the council chamber for full council meetings and the Guildhall for Civic Events is defined as a user agreement to be annexed to the lease agreement. There appears to be strong interest in this opportunity</li> </ul>		

- An exhibition of outline proposals was held at the Guildhall alongside tours of the building for Residents Festival and generated a very positive response.
- Pre-application engagement is in progress with Historic England and the council's Planning and Conservation teams
- Cushman Wakefield were appointed as our commercial agents (following a competitive process) to advise on and market the restaurant unit benefiting from a riverside location – they report very strong interest.
- We are proposing to report to CSMC on 13 June to allow for pre-decision scrutiny, leading in to the July Executive.
- There has been ongoing engagement with project partners including both Universities who are strongly supportive of the project

### **Future outlook**

The scrutiny committee made a clear recommendation to Executive for a scheme offering serviced managed office space in conjunction with virtual office / business club services, based on a refurbished annex, with an additional floor added. This option takes advantage of the character spaces that would be created for hotdesks / break out space allowing high density occupation. The following factors were seen to be the most important considerations in securing the future of the Guildhall complex:

- future flexibility compatible with the heritage status of the building
- public / community access
- ongoing council use secured
- protecting the heritage
- creating high value jobs
- the best rental income

### **Key risks**

The major risk is that the lease bid / rental expectation do not provide sufficient income to finance the borrowing necessary to deliver the scheme. The project costs are being reviewed and updated – and we highlighted previously the relatively poor condition of the complex – there are a number of structural issues emerging as a result of the detailed investigations.

<b>Reports to</b>	Executive, Economic Development and Transport Policy and Scrutiny Committee (not Burnholme currently), project boards, DMT
<b>Exec member</b>	Cllr. Chris Steward

<b>Director responsible</b>	Ian Floyd – Director of Customers and Business Support Services
<b>Dependencies</b>	None
<b>Link to paper if it has been to another member meeting (e.g. executive, council, a scrutiny committee)</b>	<p>Corporate and Scrutiny Management Policy and Scrutiny Committee September 2015</p> <p><a href="http://democracy.york.gov.uk/ieListDocuments.aspx?CId=144&amp;MId=8851&amp;Ver=4">http://democracy.york.gov.uk/ieListDocuments.aspx?CId=144&amp;MId=8851&amp;Ver=4</a></p> <p>Document</p> <p><a href="http://democracy.york.gov.uk/documents/s99376/Cover%20Report%20rev.pdf">http://democracy.york.gov.uk/documents/s99376/Cover%20Report%20rev.pdf</a></p> <p>Executive October 2015</p> <p><a href="http://democracy.york.gov.uk/ieListDocuments.aspx?CId=733&amp;MId=8842&amp;Ver=4">http://democracy.york.gov.uk/ieListDocuments.aspx?CId=733&amp;MId=8842&amp;Ver=4</a></p> <p>Document</p> <p><a href="http://democracy.york.gov.uk/documents/s100528/Exec%20Oct%202015%20Guildhall%20Final.pdf">http://democracy.york.gov.uk/documents/s100528/Exec%20Oct%202015%20Guildhall%20Final.pdf</a></p>

<b>Project title</b>	Southern Gateway	
<p><b>Description</b></p> <p>City of York Council (CYC) are one of the principal land owners in the area around Piccadilly, the Eye of York, St George’s Field and the Foss Basin. This area is being referred to as the “Southern Gateway” and many parts of the area are underused, semi derelict or of poor quality. Many of the properties are for sale or owned by companies that are in administration and there is a risk that the area will continue to be blighted or that important sites will be developed in a piecemeal manner. The area is urgently in need of a fresh vision to improve the locality and create a socially and economically sustainable future. As the principal landowner, CYC will be instrumental in delivering a joined-up regeneration of the area which will maximise social and economic benefits for the City.</p>		
<b>Financial investment</b>	<b>Financial saving</b>	<b>Reputational</b>
<p><b>Current status</b></p> <p><b>Amber</b> – There is important partnership work to be undertaken and this will gain momentum now the Project manager has been appointed and is in place.</p> <p>Mandate established by Exec in October 15  Appointment of PM – Andrew Kerr commencing May 2016.  Demolition of 17-21 Piccadilly completed Dec 15  Negotiations re freehold of Stonebow House commenced  Discussions with adjoining property owners continuing  Capital budget for demolition of Castle Mills Car park secured Feb 16</p>		
<p><b>Future outlook</b></p> <p>Establish route to market for securing a JV partner for 17-21 Piccadilly and commence procurement  Develop project plan for technical and valuation works for whole scheme  Develop commercial proposal for Stonebow House to bring back to Exec  Engage adjoining property owners to evaluate high level potential commercial options</p>		
<p><b>Key risks</b></p>		

<p>Construction costs exceed pre-tender estimates  Private sector un-attracted by financial viability of projects Lack of development funding</p>	
<b>Reports to</b>	Executive, Economic Development and Transport Policy and Scrutiny Committee (not Burnholme currently), project boards, DMT
<b>Exec member</b>	TBC
<b>Director responsible</b>	Neil Ferris, Director of City and Environmental Services
<b>Dependencies</b>	Local Plan Policy, City Transport Policy
<b>Link to paper if it has been to another member meeting (e.g. executive, council, a scrutiny committee)</b>	<p>Executive October 2015</p> <p><a href="http://democracy.york.gov.uk/ieListDocuments.aspx?CId=733&amp;MId=8842&amp;Ver=4">http://democracy.york.gov.uk/ieListDocuments.aspx?CId=733&amp;MId=8842&amp;Ver=4</a></p> <p>Document</p> <p><a href="http://democracy.york.gov.uk/documents/s100456/Report.pdf">http://democracy.york.gov.uk/documents/s100456/Report.pdf</a></p>



<b>Project title</b>	York Central	
<p><b>Description</b></p> <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 the National Railway Museum. 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.</p>		
<b>Financial investment</b>	<b>Financial saving</b>	<b>Reputational</b>
<p><b>Current status</b></p> <p><b>Amber</b> – The project has gained significant momentum over the past 6 months, however, there are still risks to delivery e.g. formalising a partnership agreement, funding approach and repayment mechanisms for all partners</p> <p>A memorandum of understanding with Network Rail was agreed in 2014, and work is underway with the National Railway Museum and the HCA to craft a formal Partnership Agreement which takes account of a comprehensive approach to investment, risk and delivery of the scheme.</p> <p>In recent months, the Partners have built real momentum around the project and undertaken the following:</p> <ul style="list-style-type: none"> <li>- Informal consultation on the Planning Framework concluded in February 2016</li> <li>- Successfully allocated for Enterprise Zone status in November 2015</li> <li>- HCA have provided a grant for £365k to support the resourcing of the project team and specialist advisors</li> <li>- Dedicated Project Manager and wider support team in place within CYC</li> <li>- Dedicated Programme Manager in place within NRM</li> <li>- HCA ATLAS support for site condition reports, infrastructure delivery</li> </ul>		

strategy and consultation support

- NR continue to implement processes required to rationalise operational uses across the site to enable site clearance for development
- 5 acre site transaction completed between NR and CYC to enable NR to begin construction of new operational facilities to free up land for development
- Successful bid to WY+TF Gateway 1 and approval to proceed to Gateway 2

To continue the project momentum that has built in recent months, the partners (including the Council officer team) have either initiated or intend to initiate the following pieces of work:

- Appoint lead Commercial and Financial Advisers to assist in crafting the Partnership Agreement and business case – ITT issued and seeking proposals from interested consortium advisers
- Appoint lead Technical and Design Advisers to assist in detailing design and engineering requirements associated with enabling infrastructure and public realm – ITT being draft by the Partner team
- Appoint lead Legal Advisers to assist in crafting of the Partnership Agreement once Heads of Terms have been agreed – ITT to be draft
- Update the Planning Framework following informal consultation and advance the evidence base where appropriate – formal consultation later in 2016
- Continue Land Assembly strategy – through negotiation and CPO implementation if required
- Continue with funding applications – LGF bid to LCR and Gateway 2 bid to WY+TF
- Continue formalising EZ status with DCLG – September target

### **Future outlook**

CYC is committed to continued working with the Public Sector partners (Network Rail, HCA, NRM). Key milestones over the next quarter will be formal appointment of the Partnership adviser team – financial and

commercial, technical, design and legal.

The Financial and Commercial team will be appointed in early June to advise the Partners on a formal structure and the mechanisms/risks each partner may have to seek approval for to enable delivery of upfront infrastructure to unlock the site and accelerate development. This will be a complex piece of advice around viability, assessment of risk/investment but will be a significant step. Advance approval by CYC (along with other Partner's Governance arrangements) will be required to inform any Heads of Terms before moving towards a formal and legally binding Partnership Agreement.

The Planning Framework document requires updating and a further formal consultation following the informal 'Seeking Your Views' consultation earlier in 2016. We will be looking to update this with the assistance of the Planning Team and Local Plan Team.

#### **Key risks**

- Missed opportunity for economic development and York does not diversify or make employment base sustainable with continued focus on leisure/tourist economies
- Continued pressure on sites that are not allocated for housing as York Central does not deliver part of the city's housing requirement
- NRM continues to operate from poor quality, light industrial environment which is not appropriate for a museum of this scale and visitor demographic
- A new quarter for the city will not be developed and the area will continue to be poor quality light industrial/rail use
- Do not meet Central Government targets for development delivery and regeneration initiatives around stations

<b>Reports to</b>	Executive, Economic Development and Transport Policy and Scrutiny Committee (not Burnholme currently), project boards, DMT
<b>Exec member</b>	Lead Member Board:  Cllr. M. Cannon, Cllr. F. Derbyshire, Cllr. L. Kramm, Cllr. K. Myers, Cllr. A. Reid, Cllr. J. Hayes, Cllr. D. Levene
<b>Director responsible</b>	Neil Ferris, Director of City and Environmental Services

<b>Dependencies</b>	Local Plan Policy, City Transport Policy
<b>Link to paper if it has been to another member meeting (e.g. executive, council, a scrutiny committee)</b>	<p>Executive December 2015</p> <p><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>Document</p> <p><a href="http://democracy.york.gov.uk/documents/s101740/York%20Central%20Exec%20December%202015%20Final.pdf">http://democracy.york.gov.uk/documents/s101740/York%20Central%20Exec%20December%202015%20Final.pdf</a></p> <p>Member update – May 2016</p> <p>Targeting July Executive</p>

<b>Project title</b>	Burnholme and Wellbeing campus	
<p><b>Description</b></p> <p>The council is committed to secure a viable future for the Burnholme school site (the Site) in Heworth ward. The school closed in 2014. During consultation on the school closure the authority committed to continue community use on the site and encourage the on-going use of its sports facilities.</p>		
<b>Financial investment</b>	<b>Financial saving</b>	<b>Reputational</b>
<p><b>Current status</b></p> <p><b>Green</b></p> <p>The spatial plan for the re-development of the Burnholme school site has been completed and demonstrates that the site can accommodate all of the activities planned for the site.</p> <p>The public information events regarding the redevelop of Burnholme School have gone well. The team have shared information and gathered views on site at Burnholme, at St. Aelred's school, at Osbaldwick Parish Council and via the Tang Hall library and online. Current users have been particularly supportive of the plans. Local residents also welcome the mix of uses for the site but do express concern about the impact of traffic volumes.</p> <p>We have also engaged with potential providers of the care home at Burnholme and they are positive about the opportunity and the commercial arrangements which will give it life. However, they emphasise the need for the authority to show commitment and de-risk procurement for them by undertaking enabling work in advance of their appointment and demonstrating commitment to the whole-site re-development by obtaining planning consent for the community and library facilities (and by doing so demonstrate that the whole site has potential to be developed in accordance with the spatial plan).</p> <p>Tees, Esk and Wear Valleys NHS foundation trust confirm their interest in moving onto the Burnholme site and working alongside the Priory medical group and other health providers to give life to a community health hub for the east of the City.</p> <p>We now prepare to take a report to executive in May 2016 to secure</p>		

consent to begin to deliver the Burnholme Health and Wellbeing Campus. Members are asked to sanction the procurement of a partner to provide a care home on the site, the preparation and submission of a planning application relating to the provision of community facilities and an access road and investment in enabling works to allow the home to be built. Members are also asked to sanction the sale of land for housing subject to the Department of Education consent to release the land for sale.

We await Department of Education consent to release the school buildings for re-use and continue to chase them on progress.

### **Future outlook**

We will progress the Executive report seeking sanction to progress with the delivery of the Burnholme Health and Wellbeing Hub. Consideration of this report will be dependent open Department of Education progress regarding our application under the Academies Act for the disposal/re-use of Site A at Burnholme.

We will consider submitting in April a funding application under the Governments One Public Estates programme to support work to develop the Health Hub at Burnholme and other public estates initiatives.

### **Key risks**

The major risk is that the lease bid / rental expectation do not provide sufficient income to finance the borrowing necessary to deliver the scheme. The project costs are being reviewed and updated – and we highlighted previously the relatively poor condition of the complex – there are a number of structural issues emerging as a result of the detailed investigations.

<b>Reports to</b>	Executive, Project board, DMT
<b>Exec member</b>	Cllr. Carol Runciman
<b>Director responsible</b>	Martin Farran – Director of Adult Social Care
<b>Dependencies</b>	Older persons accommodation project
<b>Link to paper if it has been to another member</b>	Executive October 2015 <a href="http://democracy.york.gov.uk/ieListDocuments.aspx?CId=733&amp;MId=8842&amp;Ver=4">http://democracy.york.gov.uk/ieListDocuments.aspx?CId=733&amp;MId=8842&amp;Ver=4</a>

<b>meeting (e.g. executive, council, a scrutiny committee)</b>	Document <a href="http://democracy.york.gov.uk/documents/s100548/Moving%20Forward%20with%20the%20Burnholme%20Health%20Wellness%20Campus%20Executive%2029%20October%202015%20FINAL%20for%20public.pdf">http://democracy.york.gov.uk/documents/s100548/Moving%20Forward%20with%20the%20Burnholme%20Health%20Wellness%20Campus%20Executive%2029%20October%202015%20FINAL%20for%20public.pdf</a>
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<b>Project title</b>	Adult Social Care	
<p><b>Description</b></p> <p>There are three main projects in Adult Social care covered in this report, these being:</p> <ul style="list-style-type: none"> <li>• Older Persons' Accommodation</li> <li>• Integration – including the Better Care Fund</li> <li>• Care Act</li> </ul>		
<b>Financial investment</b>	<b>Financial saving</b>	<b>Reputational</b>
<p><b>Current status</b></p> <p><b>Older Person's Accommodation - Green</b></p> <p>The Programme seeks to address future and increasing needs of older people by replacing Council run OPHs with a range of provision including Extra Care housing and independent sector provided registered residential and nursing accommodation.</p> <p>A recent update to the Health and Adult Social Care Policy and Scrutiny Committee reported good progress, including:</p> <ul style="list-style-type: none"> <li>• The implementation of 24/7 care at Glen Lodge.</li> <li>• The safe closure of Grove House and Oakhaven.</li> <li>• Successful public engagement on the plans to re-develop the Burnholme school site as a Health &amp; Wellbeing campus.</li> <li>• Award of a £850,500 grant to assist with the £4.1m cost of the 27 home extension of Glen Lodge.</li> <li>• Receipt of good tender prices for the construction of the Glen Lodge extension</li> </ul> <p><b>Integration – including the Better Care Fund (BCF)- Amber</b></p> <p>In 2016/17 the BCF is being increased nationally to a mandated minimum of £3.9 billion to be deployed locally on health and social care through pooled budget arrangements between local authorities and CCGs. The local flexibility to pool more than the mandatory amount will remain. Locally, this will equate to a minimum pooled BCF budget for York of £12.203 million. National guidance for preparing and submitting the BCF joint spending plan for 2016/17 suggests using the 2015/16 plan as a starting point.</p> <p>York has to submit a final BCF plan for 2016/17 to NHS England by 3rd May 2016, a recently revised deadline. National Conditions require the joint spending plan and narrative for our submission to</p>		



be approved and signed off by the Health and Wellbeing Board, the Council and the CCG. Two previous deadlines, for the submission of draft plans for 2016/17, have already been missed, although the CCG and local authority did agree a holding response that articulated the work being undertaken to close discussions.

The financial context of the CCG/CYC, and the under-performance of the 2015/16 programme are the two issues that have proven difficult in reaching agreement about the BCF plan for 2016/17.

The current position is that:

- The total cost of schemes subject to negotiation exceeds the agreed pooled budget by approximately £1.5 million. This gap needs to be closed as part of the final negotiations. Should the gap not be closed, this will have a significant impact of services across the system which would become unfunded.
- Senior Managers from the CCG and the Council are jointly writing a draft narrative to accompany the plan.
- SCIE will review our project templates, provide an independent view of what our funding plan could look like and help finesse the narrative for submission with the plan.
- These discussions will also need to conclude with an agreement on a financial risk share, subject to the detail of what is agreed with regards to the above.

### **Care Act – Green**

The Care Act brings together a number of existing regulations, and introduces new duties to local authorities to ensure that wellbeing, dignity and choice are at the heart of health and social care. It covers adult social care for anyone over the age of 18. The first phase of the Care Act came into force on 1 April.

Key areas of change from April 2015 included:

- general responsibilities on local authorities including promoting people's wellbeing, focusing on prevention and providing information and advice
- the introduction of new national eligibility criteria
- new rights to support for carers on an equivalent basis to the people they care for
- a legal right to a personal budget and direct payment
- the extension of local authority adult social care responsibility to include prisons
- new responsibilities around transition, provider failure, supporting

people who move between local authority areas and safeguarding

The second phase has been postponed by Central Government and is now expected to take effect in 2020.

The council has recently reviewed its implementation of the first phase, concluding that it has achieved, or is on track to achieve, compliance in the areas of Carers, Transitions, Market Shaping and Safeguarding. It has also identified the need for further progress on Prevention, Information, Assessment and Support Planning. These areas relate to the development of the new operating model for Adult Social Care, highlighting the need for a clearly defined and resourced programme of work to deliver the changes required.

## **Future outlook**

### **Older Person's Accommodation**

To progress the Programme the team will:

- a) Seek Executive sanction to progress with the development of the Burnholme Health & Wellbeing campus including procurement of a new care home.
- b) Start on site with the construction of a 27 home extension to Glen Lodge.
- c) Procure a partner to build an Extra Care scheme on the Oakhaven site.
- d) Undertake design work to examine options for the Haxby Hall care home.

### **Integration and the Better Care Fund (BCF)**

The immediate priority is the finalisation and submission of the Better Care Fund plan for 16/17.

To take forward the discussions of greater integration, the Integration and Transformation Board has been established. With an independent chair, Richard Jones CBE, and support from Social Care Institute in Excellence SCIE, it will drive the integration of health and social care commissioning, and transformation of delivery. Membership includes CYC, NYCC, the CCG, York NHS Trust, Primary Care / GP's, TEWV and CVS / Healthwatch. Its role is to explore and develop the practical actions to move towards sustainable integrated health and social care services, addressing health inequalities and delivering better outcomes, and maximising the efficient and effective use of resources within the Vale of York footprint.

The ITB are developing plans for an Accountable Care System. This would

include the formation of a joint commissioning function which would have control of a pooled budget from across health and social care commissioners (i.e. the NHS and the local authority) to support a broad range of out-of-hospital based provision:

- supporting people to maintain their independence and stay at home, with choice, control and support to manage their care and support.
- With increased community-based support and reduced admission to acute care and timely discharges, and less use of primary care.

This function would then commission an Accountable Care Organisation, which would bring together a number of providers to take responsibility for the flexible and integrated provision of care for York's population, within a defined level of resources. This is one of the models identified by Government as a route towards a more integrated and sustainable health and social care system, already being developed in a number of areas across the country.

### **Care Act**

An action plan has been identified to enhance the governance arrangements in the implementation of areas for development, in line with the shift to a new operating model for Adult Social Care. This will help to provide continued assurance on the compliance of our service with Care Act requirements, and pave the way for development of further changes should Phase 2 of the Care Act be implemented.

### **Key risks**

Key risks identified at Executive 30th July:

#### **Older persons Accommodation**

Lack of funding to deliver all the elements of the project

Rising cost of external residential care providers

Inadequate third sector / independent care provider supply of residential care facilities suitable for people with high dementia and/or physical dependency needs

#### **Integration and BCF**

Failure to agree value of BCF

Lack of progress on joint commissioning

Complex governance

#### **Care Act**

Increased prospect of challenge

Resource impact

Delays in ICT – cross dependencies Implementation of Phase 2, bringing additional financial cost	
<b>Reports to</b>	Executive, ASC DMT, Health and Wellbeing Board, project boards
<b>Exec member</b>	Cllr. Carol Runciman
<b>Director responsible</b>	Martin Farran
<b>Dependencies</b>	<p><b>OPH Programme</b></p> <ul style="list-style-type: none"> <li>- Capital Programme</li> </ul> <p><b>Integration</b></p> <ul style="list-style-type: none"> <li>- Operating Model</li> </ul> <p><b>Care Act</b></p> <p>ICT</p>
<b>Link to paper if it has been to another member meeting (e.g. executive, council, a scrutiny committee)</b>	<p><b>OPH Programme</b></p> <p>Health and Adult Social Care Policy and Scrutiny Committee</p> <p><a href="http://modgov.york.gov.uk/documents/s105585/HASCPS%20report%20Older%20Persons%20Accommodaiton%20Programme%2026th%20April%202016%20FINAL.pdf">http://modgov.york.gov.uk/documents/s105585/HASCPS C%20report%20Older%20Persons%20Accommodaiton%20Programme%2026th%20April%202016%20FINAL.pdf</a></p>

<b>Project title</b>	Future shape and size	
<p><b>Description</b></p> <p>The Future operating model project that is looking at the shape of the organisation as a whole and how CYC fits into the wider City, regional and national landscape moving forward. This is in the context of a requirement to modernise as residents needs change with more people likely to require support from social care teams as financial support from central government reduces.</p> <p>This project contains the major structural transformational work that the authority will undertake.</p>		
<b>Financial investment</b>	<b>Financial saving</b>	<b>Reputational</b>
<p><b>Current status</b></p> <p>The overarching work is going to plan, where ideas were generated within Directorates and they were organised within that Directorate with a group assisting CMT with the corporate oversight.</p> <p>Of the proposals coming forward there are a number that could result in a project of a significant size. There is ongoing work to review the best options for unlocking development sites linked to projects like York Central and Southern Gateway. Also, in development is a review of arrangements of the Housing landlord service with options to come forward in the coming week.</p> <p>The main piece of work emerging is the model that will seek to create resilient communities. This is looking at approaches for early intervention and prevention, place making (such as community development) and area based asset strategy. Projects will come forward, like the “Prevention and Early Intervention Services – a proposal for a new way of working” brought to March 2016 Executive by Children’s services and the Local area coordination work in Adults, which will fit in this model. The cross cutting issues are being reviewed by the Create Resilient Communities board.</p> <p>Another piece of work, which provides the underpinning principles for the development of the new model, is the One planet York project.</p> <p>Other elements in development are shared services options, in the context of potential Devolution deals, and opportunities to generate income for the council.</p>		

<p><b>Future outlook</b></p> <p>Ideas and proposals will continue to come forward and will be aligned to the corporate shape and size work and the re-shaping of services.</p> <p>Partner engagement on proposals where relevant has been positive and a number of papers with options for different services will be forthcoming in the next 6 months.</p>	
<p><b>Key risks</b></p> <ul style="list-style-type: none"> <li>• Developing ideas in isolation will constrain the ability to get the most out of the work.</li> <li>• Failure to engage with frontline staff will limited the breadth of ideas and</li> <li>• leave key delivery staff distant from the process and thinking.</li> </ul> <p>Misalignment of the work on the budgets may leave business areas in an unfit condition to change their business models.</p>	
<b>Reports to</b>	Council Management Team
<b>Exec member</b>	Executive – Proposals will impact all business areas.
<b>Director responsible</b>	Steve Stewart – Chief Executive
<b>Dependencies</b>	Devolution Health and social care integration
<b>Link to paper if it has been to another member meeting (e.g. executive, council, a scrutiny committee)</b>	<p>Executive March 2016 - Prevention and Early Intervention Services – a proposal for a new way of working (Children’s services)</p> <p><a href="http://democracy.york.gov.uk/ieListDocuments.aspx?CId=733&amp;MId=8847&amp;Ver=4">http://democracy.york.gov.uk/ieListDocuments.aspx?CId=733&amp;MId=8847&amp;Ver=4</a></p> <p>Document</p> <p><a href="http://democracy.york.gov.uk/documents/s104569/Prevention%20and%20Early%20Intervention%20Services%20a%20proposal%20for%20a%20new%20way%20of%20working.pdf">http://democracy.york.gov.uk/documents/s104569/Prevention%20and%20Early%20Intervention%20Services%20a%20proposal%20for%20a%20new%20way%20of%20working.pdf</a></p> <p>Executive March 2016 – One Planet York</p> <p><a href="http://democracy.york.gov.uk/ieListDocuments.aspx?CId=">http://democracy.york.gov.uk/ieListDocuments.aspx?CId=</a></p>

	<p><a href="#">733&amp;MId=8847&amp;Ver=4</a></p> <p>Document</p> <p><a href="http://democracy.york.gov.uk/documents/s104511/20160317_FINAL_Exec_REPORT_ALL.pdf">http://democracy.york.gov.uk/documents/s104511/20160317_FINAL_Exec_REPORT_ALL.pdf</a></p>
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<b>Project title</b>	ICT	
<p><b>Description</b></p> <p>There are four main projects in development at present, these being:</p> <ul style="list-style-type: none"> <li>• Customer Relationship management (CRM)</li> <li>• Mosaic (adults)</li> <li>• Mosaic (children)</li> <li>• Total Mobile</li> </ul> <p>CRM. This project replaces our existing system (Lagan) with a new system (Oracle Right Now.) This will provide much increased alignment with the website and a „My Account“ style function, social media consolidation and proactive management and integration across a number of back office systems facilitating automation, work allocation and monitoring.</p> <p>The initial implementation costs are 95k, further cost for the entire project have yet to be defined.</p>		
<b>Financial investment</b>	<b>Financial saving</b>	<b>Reputational</b>
<p>Current status [can you please also include a RAG rating here and make sure there is a supporting comment in the text below if it is Amber or Red]</p> <p><b>CRM</b></p> <p>The current project status is <b>Amber</b> overall although a number of the individual projects including digitalisation of Revenue’s &amp; Benefits are green.</p> <p><b>Mosaic (adults) – Green</b></p> <p>Upgrade of existing system, Frameworki to latest version of system – Mosaic. Provides case management and finance functionality for payments and billing for Adults Social Care. Alongside the system upgrade, this provides a move to “Best Practice” system configuration for workflow and forms.</p> <p><b>Mosaic (children’s) – Green</b></p> <p>Replacement of Children’s case management system (Raise) and bespoke fostering payment system (ISIS) with new case management system – Mosaic. Provides case management, group working, ability of all stakeholders to access system and chronology as the main key features. This project has delivered against phase 1 which went live in March.</p>		



Phase 1 has always been conceived principally as the replacement of RAISE and the ISIS Carer Payment system with Mosaic.

### **Total Mobile – Green**

This is a mobile working platform that provides a secure workflow solution that allows entering, managing and scheduling of tasks to staff on a mobile device. Currently deployed within Building Services, with full integration into two lines of business systems. Recent changes to the licensing model have enabled feasibility studies for full enterprise deployments.

Currently working up a prototype workflow for Adult social care Mental Health team.

### **Future outlook**

#### **CRM**

The future outlook is positive with go live of Phase 1 expected in the Summer of 2016

#### **Mosaic – adults.**

This project is making good progress against a project plan which indicates a Go Live in the Autumn.

#### **Mosaic – childrens.**

Future phases are currently being scoped and costed.

#### **Total Mobile**

Future considerations include HR processes such as sickness recording and absence management. we are also exploring opportunities for Children's Social Care teams building and developing the recent work with Youth Offending.

We are scoping and considering the resource requirements and approach for these pieces of work.

### **Key risks**

Lack of training resource for users on new systems

Outstanding technical issues

Delays in project initiation

Commitment and resource availability within the relevant services to contribute to the scoping and feasibility.

Costs for future phases within Social Care beyond the systems upgrades.

<b>Reports to</b>	Project Boards, Scrutiny Committee
<b>Exec member</b>	Varies depending on business area of implementation
<b>Director responsible</b>	Ian Floyd – Director of Customers and Business Support Services
<b>Dependencies</b>	<b>CRM</b>  MDM Clearcore  Govtech Rev's and Ben's.
<b>Link to paper if it has been to another member meeting (e.g. executive, council, a scrutiny committee)</b>	

<b>Project title</b>	Public Health 0-19 year olds – The Healthy Child programme	
<p><b>Description</b></p> <p>The national Healthy Child Programme (HCP) sets out the recommended framework of services for children and young people aged 0-19 years to promote optimal health and well-being, prevent ill-health and provide early intervention when required. The programme delivers universal services to all children and families including routine screening and developmental checks. Through the programme, families in need of additional support and children who are at risk of poor outcomes can be identified and the appropriate support provided.</p> <p>There are two elements to the programme. The 0-5 years Health Visiting Service and the 5-19 School Nurse service. The council became responsible for commissioning both services from October 2015. Staff currently providing this service transferred into the Council on 1<sup>st</sup> April.</p>		
<b>Financial investment</b>	Financial saving	<b>Reputational</b>
<p><b>Current status</b></p> <p><b>Amber</b></p> <p>Health Visitors and Schools Nurses successfully transferred into the council on 1 April. This marked a significant step, bringing the management of the services into the council and aligned with other similar services within challenging timescales.</p> <p>The service is now live, continuing to deliver the core responsibilities of the health visitor and school nursing services as follows.</p> <p>Health visitors lead and deliver the Healthy Child Service for 0 to 5 year olds, offering support to all families in pregnancy and up to when children are aged five by:</p> <ul style="list-style-type: none"> <li>• helping to support the health and wellbeing of the whole family, from ante-natal visits until a child goes to school at 5 years.</li> <li>• providing advice on healthy choices e.g. breastfeeding, weaning and healthy eating</li> <li>• offering development reviews to ensure children are reaching their full potential</li> <li>• supporting parents to feel confident in their parenting skills and to</li> </ul>		

provide the best opportunities for their baby

- working in partnership with Children's Centre Services and other specialist services to support families with additional needs
- offering support and information to families experiencing specific difficulties such as postnatal depression, social isolation and domestic abuse.

School nurses lead and deliver the Healthy Child Service for 5 to 19 year olds, working with children, young people and their families and have a key role in supporting children and young people in school settings. They:

- help support the physical and emotional health and wellbeing of children and young people
- provide advice on healthy choices e.g. healthy eating, dental health, sexual health and substance misuse
- offer health reviews to ensure children continue to reach their full potential
- offer advice and information on health issues such as bedwetting and behavioural problems
- work closely with the child's school to promote a healthy lifestyle

### **Future outlook**

Following the transfer, there are several areas of ongoing work to consolidate the arrangements and ensure that robust procedures are in place in the areas of:

- Information and Clinical Governance
- Safeguarding supervision
- Revalidation with the Nursing and Midwifery Council
- Workforce development including work with Health Education England on student training placements for pre-registration and post-registration training
- Physical and electronic storage of records
- Location of staff

A new phase of development will now begin, through consultation with staff, to design the new integrated service in line with the wider Early Help offer from Children's Services and partners. This provides the opportunity for greater consistency and joined-up working to optimise the service and focus resource where it will have greatest benefit.

### **Key risks**

Differing work practices, culture and ICT systems Incoming staff facilities requirements	
<b>Reports to</b>	Executive, Health and Wellbeing Board, DMT, Project Boards
<b>Exec member</b>	Joint lead members Cllr Carol Runciman and Cllr. Jenny Brooks
<b>Director responsible</b>	Sharon Stoltz
<b>Dependencies</b>	ICT  Future Operating Model
<b>Link to paper if it has been to another member meeting (e.g. executive, council, a scrutiny committee)</b>	Regular update reports have been submitted to the Health and Wellbeing Board, YorOK Board and Health and Adult Social Care Policy and Scrutiny Committee  Executive August 2015 Healthy Child Service paper  <a href="http://modgov.york.gov.uk/documents/s99159/Approved%20Healthy%20Child%20Service%20-%20report%20to%20Executive%2027%20August%202015.pdf">http://modgov.york.gov.uk/documents/s99159/Approved%20Healthy%20Child%20Service%20-%20report%20to%20Executive%2027%20August%202015.pdf</a>

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<p>Stage 2:</p> <p><b>Pre-Project</b></p>	<p><b>Project Assessment Matrix</b></p>
<p><b>Purpose</b></p>	<p>A Project Assessment Matrix provides a quick overview of the probable risks associated with a project and the severity of their consequences.</p> <p>It will help you to determine the size of the project (small, medium or large) and therefore how much control it needs. From there you can also develop risk prevention strategies.</p>
<p><b>Notes</b></p>	<p>Typically there are three types of project:</p> <ul style="list-style-type: none"> <li>• <b>Small projects</b> <ul style="list-style-type: none"> <li>- likely to be low risk projects that are lower cost, supporting business-as-usual, and part of service level activity that does not usually involve many internal or external partners, and has lower political interest or involvement;</li> </ul> </li> <li>• <b>Medium projects</b> <ul style="list-style-type: none"> <li>- likely to be medium risk projects that have a medium cost and are part of a higher profile activity identified in the directorate plan. They may have some internal / external partners, and have some political interest or involvement; and</li> </ul> </li> <li>• <b>Large projects</b> <ul style="list-style-type: none"> <li>- likely to be high risk projects with a high cost and a higher profile. They usually have Member interest and involvement, and greater involvement of procurement processes with more complex partnership</li> </ul> </li> </ul>

	<p>involvement with external partners and external funding.</p> <p>A common sense approach should be applied to determine the most appropriate level of project control after scores have been added up, with the project sponsor having the final decision.</p>
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Project Assessment Matrix			Project name:		Date:
This is to help judge the size of a project and the corresponding level of project controls required to manage the project effectively. Look at each criteria and discuss which best applies to your project, entering the score in the final column. The overall score should help determine the size of the project (small, medium or large) and therefore how much control it needs.					
Score	2	4	8	16	Score
Criteria					
<b>Council Priorities</b>	Direct contribution to one of the Council Priorities	Direct contribution to more than one of the Council Priorities	Significant contribution to a number of Council Priorities	Contribution to a wider city/region strategy in addition to a Council Priority	
<b>Reputation</b>	No risk to City of York Council's reputation	Short-term, limited damage to reputation	Widespread but relatively short term damage	Significant, long lasting damage to reputation (locally and/or nationally)	
<b>Structure in terms of process and staff</b>	No impact on structure or staff	May result in new business processes and potential training	Significant restructure of processes and service areas resulting in potential staff reductions	Major change in structure resulting in transfer of staff, out-sourcing and/or significant staff reductions	
<b>ICT</b>	No ICT requirements	Impacts on a single service area and small business dependencies / related projects	Impacts on more than one service area and medium business dependencies / related projects	Impacts across the Council and high risk dependencies / related projects	
<b>Policy or legislation</b>	No impact from policy or legislation	Some link to other work that is delivering a policy or legislation	Direct link to policy or legislation	Fundamental to achievement of policy or legislation	
<b>Stakeholders</b>	Internal stakeholders only within single service area	Internal stakeholders across more than one service area and may involve an external partner	A number of internal and external stakeholders	Large numbers of stakeholders across the Council and external	
<b>Cost</b>	<£2,500	£2,500 - £50,000	£50,000 - £400,000	£400,000 or OJEC Procedure applies	
<b>Financial objectives / savings</b>	<£2,500	£2,500 - £50,000	£50,000 - £400,000	>£400,000	
<b>Contract complexity</b>	No new or little contract change / low risk	Single contract and know supplier or some change to existing contracts / medium risk	Competitive tender required, known supplier or significant contract changes / medium risk	Tendered contract or multiple contracts with unknown suppliers / high risk	

<b>Timescale</b>	<6 months	6 – 12 months	12 – 18 months	>18 months	
<b>Total Score</b>	<b>20 - 56</b>	<b>58 - 104</b>	<b>106 - 160</b>		<b>Total =</b>
<b>Size of project</b>	Small	Medium	Large		

1

<b>Additional Stakeholders</b>	
<b>Benefits identified</b>	

<b>Proposed project manager</b>	
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<b>Signed</b>		<b>Date</b>	
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**Audit & Governance Committee****10<sup>th</sup> May 2016**

Report of the Assistant Director of Customer and Business Support Services  
(Customers and Employees)

**Sickness Absence Management****Summary**

1. This report responds to the specific issues identified in the Attendance Management (follow-up) memo dated 18<sup>th</sup> January 2016. It also outlines the wider actions and plans in place to manage sickness absence in the council, including the implementation of iTrent absence management, which is a recommendation of the audit and will improve the recording of sickness absence across the council.

**Background**

2. In March 2013 the Corporate and Scrutiny Management Committee concluded a review of the council's sickness absence policy and its recommendations for improvement were approved by Cabinet in May 2013. The recommendations made in that report were enshrined within the revised policies finalised in October 2013 that the council has in place today.
3. On 9<sup>th</sup> July 2014 Veritau issued an internal audit report on Attendance Management. The overall opinion gave limited assurance and four findings were raised including a priority one finding relating to the council not recording all items of sickness on iTrent (the council's payroll / human resources (HR) management information system).
4. In response the HR service undertook a number of actions in order to address the issues identified in that audit. These include:
  - the issuing of a monthly payroll email that goes to all staff and includes a reminder to managers asking them to complete a sickness absence return (a copy is attached to the email) and for it to be returned to the HR Business Centre even if this was a nil return;

- an email was sent to Assistant Directors (ADs) and Heads of Service (HoS) to remind them of the responsibility to ensure absence returns were sent for their services;
  - a record was kept for two months which showed which teams had submitted returns to baseline how many returns are expected to be received each month;
  - a report was taken to Council Management Team (CMT) on the issues identified in the audit and the actions being taken;
  - regular management information continues to be provided to CMT and Directorate Management Teams (DMTs) showing the levels of sickness absence;
  - absence management training is provided on an ongoing basis via the council's Workforce Development Unit.
5. It was not possible to use iTrent to help with absence management immediately following the original audit as at that time the resources needed to make these changes were not available in light of other priority issues. These included system developments for challenging pensions changes (new scheme reporting requirements and separately auto enrolment), complex pay award implementation and timescales, a change in priority to focus on workforce development by automating the appraisal process via iTrent, and the imminent pressure of the end of an e-recruitment contract, which meant that priority needed to be given to implementing the iTrent e-recruitment package. The other issue is that the absence management module within iTrent is intended to cover all absence reasons including annual and all other leave arrangements, which is a more complex and time-consuming system implementation in a council with a wide range of working patterns across a large number of individual service areas.
6. In line with Veritau's follow-up procedure, re-testing was carried out and on 18<sup>th</sup> January 2016 an internal audit memo was issued highlighting continuing inconsistencies in the recording of sickness on iTrent and evidence of supporting documentation.

### **Absence Management in CYC**

7. The process issues identified in this audit are unsatisfactory with risk implications as outlined in the 'implications and risk management' sections of this report, however it is important to note that the auditors are not making a judgement on how individual staff absences are being managed in the council. It does mean however that absolute assurances relating to accurate absence figures cannot be given currently.

8. Overall the published CYC absence rates are shown to remain relatively stable and are comparable with LGA benchmark data available for other local authorities. For the last three years the absence rates have been as follows:

8.4 days per FTE in 2013/14

9 days per FTE in 2014/15

8.4 days per FTE in 2015/16.

Other indicators, however, do confirm that absence management continues to be being proactively managed across the council with the HR Employee Relations team case management system showing that they are typically providing advice to managers on approximately 70 absence or health related staffing issues. The HR Business Partner and Health and Safety teams provide ongoing advice on strategies to mitigate and manage the impact of absence in services, as they are currently doing with, for example, Adult Services Managers.

9. Although much progress has been made already in managing sickness absence, we know there is always more which can be done. Recent improvements include:

- new occupational health arrangements, providing advice and support to managers to help them address staff health issues early and prevent or minimise the impact of any staff absence. If staff have been absent there is advice available to support the reintegration to the workplace;
- introduction of employee assistance services a 24/7 advice and support line for all staff;
- promotion of flexible working to try and ensure that staff are encouraged to optimise their work / life balance, whilst at the same time ensuring the needs of the business are met;
- ongoing work with managers to help to identify causes of stress related absence and developing strategies to manage these issues;
- a programme of health and wellbeing promotion activities;
- a review of best practice across the sector where sickness absence levels are lower or have been reduced through specific initiatives that have not yet been trialled at York;
- agreement to set a target reduction for sickness absence and monitor closely within DMTs and HR Business Partners.

10. Given the complexity of the individual absence issues this range of different activity needs to be available as they are proven strategies which will help reduce absences.
11. Managers, however also need to understand their role and take responsibility for identifying issues and developing targeted interventions to help manage issues at a local level as and when they arise. When asked for support the HR team will work with that manager to help them to monitor and manage sickness on an ongoing basis. As an employer we have a 'duty of care' to ensure that all employees are capable of fulfilling their contractual duties, and the management of sickness absence is a fundamental contributing factor.
12. All of the non-iTrent actions identified in the 2014 audit report were implemented and it is disappointing that these and other related activity have not had the effect of resolving the inconsistencies in the absence reporting and record keeping.

### **Absence Management Project**

13. Our current priority is the implementation of the iTrent Absence Management module. We have been in discussion with the provider MHR (previously MidlandHR) for a number of months now to determine the optimum mechanism to respond to the issues raised in the audits on a timely basis, but also to meet the requirements of the organisation to have easy-to-use systems and good quality management information as an output. This will allow access for staff and managers to real time data that will help them manage sickness. We have now agreed a streamlined mechanism and formed a project working group from across HR teams, alongside service managers. This module is an extension of the People Manager module already widely used by managers across the council to authorise time and expense claims for staff. Following implementation managers will use it to record all sickness absence and limited other absence reasons such as industrial action and dependent care leave.
14. This should deal with the issues which have led to inconsistencies of sickness absence reporting and will also have the benefit of being able to produce a greater range of iTrent management information to bring transparency and oversight to the process. There will also be other improvements such as 'trigger point' notification emails containing guidance for managers so they can access more detailed information and resources to manage the absence.

15. The project working group has met to agree the attached scope and outcome document at **Annex A**. The implementation will be supported by MHR (the iTrent software supplier).
16. In terms of project governance the Project Working Group will meet as appropriate and provide regular updates to the HR management team and will be responsible for taking decisions on scope, resources, implementation arrangements and associated risks. The existing CYC / MHR iTrent board will take overall responsibility for implementation; this will be in the form of the monthly CYC / MHR meetings already taking place.
17. It is anticipated that the implementation will commence at the beginning of May 2016 and be completed to 'go-live' in September 2016.
18. In addition to addressing the specific audit issues the Project Working Group will ensure that we maximise the opportunity to promote the benefits of taking a proactive approach to managing absence and will support managers so that they have the skills, confidence and access to advice and resources to address issues at a local level. This will draw on a significant amount of resource from the project and wider HR teams initially, but will have longer term organisational benefits if we can reduce absence and increase productivity and employee wellbeing.
19. There is the risk that implementing a new method for recording staff absence could lead to a period of under reporting. In the months following the implementation of the changes the HR team will closely monitor sickness absence management information and if there any significant changes in the levels of absence at Directorate level, these will be raised and scrutinised through DMTs to ensure that services are complying with these new arrangements. DMTs will continue to receive HR management information on a quarterly basis, an extract of which is supplied to the Corporate & Management of Overview & Scrutiny Committee, but will also have access to the real time information on iTrent on their desktops which is currently unavailable to them.

### **Council Plan**

20. The information outlined in this report is in line with the Council Plan and the People Plan which has health and wellbeing as an area of priority.

## **Implications**

### **Financial**

21. Failure to record sickness accurately can lead to miscalculation of occupational sick payments for individual officers, and an inability to fully account for the full cost of sickness absence for the council.

### **Legal**

22. See Human Resources implications.

### **Human Resources**

23. If sickness absence is not tracked and managed appropriately, the implications for staff members could be significant if appropriate support or responses are not put into place either through worsening absence or symptoms, or through litigation action taken against the council. If absence reasons and volumes recorded in iTrent are not accurate and therefore cannot be relied on to inform management decision making and actions based on the results.

### **Equalities**

24. The poor recording of sickness absence reasons and related management action could result in reasonable adjustments or occupational health advice not being provided where staff are covered by the Equalities Act in relation to any disability.

### **Crime and Disorder**

25. There are no Crime and Disorder implications

### **Information Technology (IT)**

26. Matters relating to the HR system are covered in the report.

### **Property**

27. There are no property implications.

### **Risk Management**

28. The main risks relate to failure to record, track, monitor and put in place actions to monitor sickness, and that sickness levels are not accurate



and the response to intentions are not proportionate or in line with policy. Mitigations will be put in place as detailed in the main body of the report.

### Recommendations

29. Members are asked to note and comment on the contents of the report.

Reason: To understand the key issues and response to recommendations to secure improvements in control arrangements around sickness absence.

### Contact Details

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**Chief Officer Responsible for the report:**  
**Pauline Stuchfield**  
Ad CBSS (Customers & Employees)  
Tel no: 01904 551706

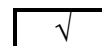
**Report  
Approved**



**Date** 27/4/16

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

**All**



### Background Papers:

### Appendices:

Annex A: Project scoping document, Project Working Group Members, roles and Governance

### List of abbreviations used in this report:

ADs	Assistant Directors
CMT	Corporate Management Team
CYC	City of York Council
DMT	Directorate Management Team
HoS	Heads of Service
HR	Human Resources
IT	Information Technology
LGA	Local Government Association

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## **Sickness Absence – Project Scope**

### **Background**

Absence management (and in particular sickness absence) is a reoccurring 'hot topic' in the council and in the last few years there has been a scrutiny review, an audit, and various DMT/CMT discussions about how best to deal with specific issues identified.

Although the council has been through a significant period of change, our absence rates remain relatively static and on a par with other councils (although still high compared to the private sector and other councils who take a more proactive approach to absence management). However, as a proportion of the total, stress related absences have increased.

In response to the issues we have identified we have put in place a number of specific actions and interventions (policy review, manager development, health and wellbeing support etc.). But what we have not yet been able to progress is using an IT solution to support with the recording of absence.

We have now agreed that we are going to implement sickness absence recording via iTrent. It is a relatively basic functionality and does not include annual leave, but should provide managers with workflow notification (via email) at the various stages of employee absence management, trigger point notifications and MI.

For successful implement we need to re-launch our support to absence management so that this is not just seen as a new IT system recording solution and staff and managers understand the benefits of managing absence.

The specific actions from this project will feed into the next audit and governance scrutiny review which has asked for 'Absence Management Process update report'.

### **Project Scope**

The project should draw on the promotion of existing support and resources, although some changes may be recommended to allow us to get the maximum benefit from the project. Areas to cover include:

- promote and create an understanding of the benefits of proactive management of absence
- promote and create an understanding of the requirements of the absence policy (and the role of the employee and the manager)
- implementation of iTrent manager self service
- manager learning and development opportunities
- the role of occupational health, counselling service and wellbeing
- creating the right culture for managers to be able to deal with sensitive issues (i.e. mental wellbeing issues)
- manager support / coaching to deal with absence issues (i.e. Employee Relations team)
- promotion of flexible working and work life balance
- engagement of and communication to the CYC workforce regarding all aspects of absence management

### **Outcomes**

It is envisaged that the following benefits will be achieved:

- managers will be able to input all sickness input into iTrent, when an absence is reported to them
- managers will be send workflow emails which provide them advice regarding how to deal with absence issues and support the employee
- managers will be sent workflow emails which confirm when an employee has it a trigger point (and advice with what to do)
- managers will be sent MI regarding sickness absence in their area of responsibility to monitor any areas of concern
- staff and managers have a shared understanding of their roles and responsibilities regarding absence management and have an understanding of why and how absence is managed
- staff and managers recognise the benefits of good employee health and wellbeing and know where to go to get support
- absence rates should decrease through better understanding and effective management of absence policy
- more accurate reporting and management information (this may identify an increase in absences reported)
- the Trade Unions can see the benefits of what we are trying to achieve and will support us in this



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**Audit and Governance Committee****10 May 2016**

Report of the Assistant Director of Governance and IT

**Council Motions on Notice****Summary**

1. At the Audit and Governance Committee meeting, on 10 February 2016, the Committee requested a report on the process for implementing and actioning Council motions.

**Background**

2. Meetings of Full Council are held six times a year and Council Procedure Rules allow for no more than four motions to be considered at any one meeting.
3. Of the six Council meetings the Annual meeting in May is a ceremonial occasion to elect the Lord Mayor and Sheriff and the appointment of Committees and consideration of motions is not part of the order of business. The Budget Council meeting in February sets the Council's budget for the forthcoming year and this meeting only considers motions to amend the budget. The remaining four Council meetings each consider four motions which total sixteen motions each municipal year.
4. Motions are submitted in accordance with a schedule for the allocation of motions between groups which has been agreed on a proportional basis using the full four year term of office. Notice of each motion to be considered by Council must be given in writing no later than midday on the eighth working day prior to the meeting, although this does not apply to motions that may be moved without notice.
5. Following consideration of motions at Council draft minutes are prepared and any agreed motions are allocated an Owner (relevant Officer/s) for follow up and implementation via the online Committee Management System.

6. Officers then receive an automated email which links them to the relevant motions for actioning and they are requested to complete or start implementation within 20 working days of the meeting. The system also generates a reminder email 5 working days prior to the due date.
7. On completion or commencement of the action requested Officers are required to go into their 'Work to Do' areas to update the status of the action by choosing either 'In Progress' or 'Completed'.
8. An example of recent Council motions have included instructing Officers to seek a review of the Broad Rental Market Area, support for the establishment of the Business Improvement District and implementing a policy to encourage schools that are considering academy status to hold a community ballot.
9. A large proportion of Council motions request the writing of letters to a variety of Government departments /organisations or individuals by Directors. Once replies are received a copy of these are circulated to all Councillors for their information.

### **Consultation**

10. As this is an information report no consultation has been undertaken on the content.

### **Options**

11. No options or analysis has been undertaken on this information report.

### **Council Plan**

12. The implementation of Council Motions supports delivery of the Council priority of listening to residents.

### **Implications**

13. This report has no specific financial, legal, equalities, community safety, environmental, HR or ICT implications.

### **Risk Management**

14. There are no specific risks associated with this report.

**Recommendations**

15. Members are recommended to note this information report.

Reason: To inform Members of the method of implementing and actioning Council motions.

**Contact Details**

**Author:**

Jill Pickering  
Democracy Officer  
Tel No. 01904 552061

**Chief Officer Responsible for the report:**

Andy Docherty  
Assistant Director  
Tel No. 01904 551004

**Report  
Approved**



**Date** April 2016

**Specialist Implications Officer(s)** *None*

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

**All**



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

**Background Papers:** None

**Annexes:** None

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**Audit and Governance Committee****10<sup>th</sup> May 2016****Report of the Monitoring Officer****Group Leaders' Meetings****Summary**

1. This report responds to Members' requests for a report on the terms of reference of the Group leaders' meeting and its role in local democracy.

**Background**

2. Meetings of Group leaders are a routine and familiar part of the informal operation of the vast majority if not all local authorities. In York, as with many authorities the meeting operates without formal terms of reference since it sits outside of formal decision making structures. The purpose of these meetings may, however, be summarised as being predominantly:
  - To facilitate appropriate working relationships between the political groups
  - To provide a forum for Officers to consult on matters relating to the administration of the Council's business
  - To provide an environment for individual Group Leaders to raise issues with all the other Leaders
  - To provide briefings to Group Leaders on matters of particular relevance prior to decisions being taken
  - To allow for initial joint consultative briefings on matters affecting the way the Council is run
3. The meetings therefore provide an opportunity for Group leaders to get together to discuss matters of common interest or concern, they support the effective operation of decision making, they provide an opportunity for tensions to be raised and for common ground to be identified. The Local Government Association identifies these meetings as good practice within its publication: "**No**

**overall control** - Learning further lessons from councils without a majority administration”

<http://www.local.gov.uk/documents/10180/5854661/No+overall+control/0d2fa381-187e-4dac-9d2f-7848d5b501ae>

4. Members will also recall that one of the recommendations from the 2014 Local Government Association Peer Review was that the Council should:

“Instigate more-regular meetings between Group Leaders where, amongst other issues, progress on some "non-political" issues for the City could be made in a collegiate way.”

5. In York, historically a key focus of the meeting was to discuss the administrative arrangements for meetings of Full Council. This ensured that all Groups were aware of how the meeting was intended to run and collective views could be provided to the Lord Mayor to assist the effective management of the meeting. Although other matters were discussed meetings were timed around the Council meetings. Following the 2014 Peer review more regular Group Leaders’ meetings were introduced and a pattern of monthly meetings has now been established. The arrangements for the Council meeting continue to be a standard item for discussion but other matters considered have included:
  - Briefings on particular issues – e.g. the December floods, the Syrian Refugees, forthcoming inspections etc;
  - Advice to Officers on Issues relating to the Civic life of the City e.g. use of the Council crest, awarding Civic honours etc where cross party consensus is desirable;
  - Arrangements for Member Support;
  - The allocation of places on outside bodies.

### **Council Plan**

6. Group leaders’ meetings contribute to the creation and maintenance of an appropriate political culture within the Council

which underpins good governance and the delivery of the council's priorities.

**Implications**

- 7. There are no implications associated with this report.

**Risk Management**

- 8. There are no specific risks associated with this report.

**Recommendations**

- 9. Members are recommended to note this report.

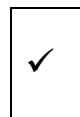
Reason: To ensure that Members are aware of the terms of reference of the Group Leaders' meetings as requested.

**Contact Details**

**Author and Chief Officer responsible for the report:**

Andy Docherty  
Assistant Director  
Telephone: 01904  
551004

**Report  
Approved**



**Date** 22<sup>nd</sup> April 2016

**Specialist Implications Officers**

Not applicable

**Wards Affected:** Not applicable

**All**



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

**Background Papers**

None

**Annexes**

None

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**Audit and Governance Committee****10<sup>th</sup> May 2016****Report of the Monitoring Officer****Scheme of delegations****Summary**

1. This report seeks Members' views on changes to the Officer scheme of delegations.

**Background**

2. The Officer scheme of delegations forms part of the Constitution. It has had minor amendments made in recent years but has not been subject to significant review for some time. The current joint administration committed to reviewing the Council's governance when it took control. In the light of that fact as well as the review of the Council directorates and senior management structure, it is an opportune time to have a more fundamental review.
3. The majority of powers covered by the Officer scheme of delegations relate to executive functions although some significant non-executive functions are also covered, including planning and licensing functions. For this reason the new scheme of delegations requires the approval of the Leader in so far as it relates to executive functions and full Council in respect of non-executive functions. The Leader and deputy Leader have requested the views of this Committee on the draft scheme which appears at Annex A.
4. Like the scheme it is intended to replace the draft scheme adopts the approach of giving Chief Officers the power to take any decision affecting their service area. This is then subject to controls in the scheme and elsewhere in the Constitution. This method of allocating powers is generally accepted as good practice since it avoids the need to list individual functions and allocate decisions making powers. Inevitably such an exercise leaves gaps.

5. Section one of the draft scheme deals with principles of Officer delegations. This largely reflects principles set out in the current Constitution. There are though three key changes:
  - Paragraph 1.3 which sets out that Officers must have regard to advice from the Monitoring Officer, the section 151 Officer and the Chief Executive.
  - Paragraph 1.7 gives Officers sets out circumstances in which Officers would be expected not to exercise delegated powers but instead refer the issue to Members
  - Paragraph 1.9 seeks to future proof the draft scheme so that changes in job title or the allocation of responsibilities do not require the scheme to be rewritten.
  - Paragraph 1.10 makes it clear that if an Officer cannot exercise their powers they can be exercised by a deputy
6. Section two deals with the powers of the Chief Executive. The existing scheme gives the Chief Executive full powers to perform his role but in rather a wordy way. This has been simplified in paragraph 2.4 to a power to undertake any other functions necessary for carrying out the role of the Chief Executive.
7. Section three deals with the appointment and powers of the Deputy Chief Executive and creates an expectation that a deputy will be appointed.
8. Section four deals with the powers of Directors. Currently they follow a standard format of delegating all powers to discharge functions of the Executive or Council in relation to named service areas. The areas named attempt to cover the Directorate. This is a problem when Directorates change. Paragraph 4.2 simplifies and makes transparent the fact that the starting point is for Directors to be able to exercise all powers relating to their directorates subject to the controls in the constitution. Confusingly the existing scheme lists a range of specific functions which are delegated to Officers as well as including the cross cutting powers. This has not been replicated in the draft.
9. Paragraph 4.3 is a new provision allowing a Director to exercise powers granted to their staff. This is most likely to apply where a specific decision has been delegated to a named Officer in respect of a particular project.

10. Section five is also new. It reflects the law in that not every administrative decision needs to have been specifically delegated. However, for transparency and the avoidance of doubt this section makes it clear that Officers have the powers necessary to perform their job roles.
11. Sections six and seven relating to the Monitoring Officer and Chief Finance Officer repeats, with only minor rewording, provisions currently included in the Articles section of the Constitution.
12. Section eight simply reflect legal provisions relating to the statutory scrutiny officer role which were not previously reflected in the Constitution.
13. Section nine largely reflects existing controls in the constitution on the exercise of delegated powers but brings them together for the first time. In accordance with paragraph 9.8 Executive Members may reserve decisions to themselves. The existing requirement that this power be exercised following consultation with the relevant Director has been removed. It has, however, been replaced by a requirement to exercise the power in writing.
14. Section nine also deals with controls over the exercise of delegated powers in relation to planning matters. Officers cannot deal with matters which are reserved to the Planning Committees or which have been referred to Committee in accordance with the call in arrangements. A review of these reserved matters is currently underway.

### **Analysis**

15. An appropriate scheme of delegations is essential if decision making is to be both lawful and effective. There is a need to strike a balance between the requirement for efficient operational decision making against the desirability of ensuring political oversight of decisions for which Members may be held to account by the electorate.
16. The draft scheme seeks to achieve this balance by being clearer about the specific controls over Officer decision making and by setting out a series of principles to guide Officers as to circumstances in which they should decline to exercise their powers. The Leader and deputy Leader have indicated that they

would be particularly interested in the Committee's views as to whether these controls strike the right balance. Members may wish to consider in particular the arrangements for Executive oversight, whether the financial thresholds are at the right level and whether there are further matters which should be reserved to Members or upon which Members ought to be consulted.

### **Council Plan**

17. Effective schemes of delegation support good governance and the delivery of the council's priorities.

### **Implications**

18. **Legal** – as the report indicates the Leader is responsible for the allocation of executive decision making functions. Council is responsible for the allocation of non- executive decision making functions. The revised scheme of delegations will form part of the Council's constitution.

### **Risk Management**

19. In approving a scheme of delegations the Council need to achieve a balance between the risk of hampering effective operational decision making by having too restrictive a scheme against the risk of loss of effective control, including political control, by having too loose a scheme.

### **Recommendations**

20. Members are asked to recommend to the Leader and Council that the scheme of delegations at Annex A be adopted subject to such amendments as the Committee consider appropriate.

Reason: To ensure that an appropriate scheme of delegations is in place.



**Contact Details**

**Author and Chief  
Officer responsible for  
the report:**

Andy Docherty  
Assistant Director  
Telephone: 01904  
551004

**Report  
Approved**

**Date**

29th April 2016

**Specialist Implications Officers**

Not applicable

**Wards Affected:** Not applicable

**All**

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

**Background Papers**

None

**Annex A**

Draft scheme of delegations

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## **Officer delegations and Proper Officer Functions**

### **Part A - Officer Delegations**

#### **1. General Principles of Officer Delegations**

- 1.1 The delegations set out below apply both Executive functions and non Executive functions.
- 1.2 Functions delegated to officers are to be exercised in compliance with other parts of the Constitution (including the restrictions on use of delegated powers set out in section 9 of this part of the Constitution) and in accordance with the budget and policy framework.
- 1.3 Functions delegated to officers shall also be exercised having full regard to:
  - Any advice given by the Chief Executive,
  - Any financial advice given by the Director of Customer and Business Support Services,
  - Any legal advice given by the Monitoring Officer, and
  - Any statutory codes or guidance, and any policies or protocols as may be approved by the Council and Executive.
- 1.4 “Function” is to be construed broadly and includes the doing of anything which is calculated to facilitate or is conducive or incidental to the discharge of any of the specified functions.
- 1.5 A Director is not required to exercise all delegations personally and may authorise officers of suitable experience and seniority to exercise delegated powers on his/her behalf. A Director must maintain a list of all such authorisations, as part of a comprehensive Directorate Scheme of Delegation.

- 1.6 The fact that a function is delegated to a Director under this scheme does not preclude the Executive or an Executive Member (for Executive functions) or the Council or a Committee (for non-executive functions) from exercising the function in question
- 1.7 A Director may refer any matter to Full Council, the Executive, the appropriate Committee of the Council or the Executive Member for decision at their discretion. A Director should exercise this discretion if in his or her opinion:
- the matter is of significant political impact and where Members might be expected to be accountable to the electorate for the decision;
  - it is a matter of substance relating to a key or significant project;
  - where significant risks have been identified in proceeding with the issue;
  - where there is a significant deviation from the original intention of a proposal previously reported to Members
  - the decision could have significant consequences for another directorate.
- 1.8 Directors have responsibility to report to Council, Executive, the appropriate Committee or Committee Chair or appropriate Ward Members matters that are of particular significance where that body or person is not required to make a decision but where it is proper for them to be aware of the position.
- 1.9 Functions delegated by reference to job titles or posts which have changed will continue in force and shall be exercised by officers whose duties include or most closely correspond to the duties of the post originally referred to (including those holding the post on an acting or interim basis).
- 1.10 In the absence or the unavailability of an officer, any function delegated to that officer may be exercised by an Officer acting as their deputy either generally or in relation to a particular service area.

## **2. Powers of the Chief Executive**

- 2.1 The Chief Executive is the Head of Paid Service and has authority over all Chief Officers.
- 2.2 To exercise the powers delegated to any Director or other members of staff so far as the law allows.
- 2.3 To take such immediate action as he/she considers necessary to implement the Council's peace time emergency planning scheme
- 2.4 To undertake any other functions necessary for the carrying out of the role of the Chief Executive.
- 2.5 To act as the Council's Returning Officer and Electoral Registration Officer
- 2.6 The Chief Executive or his/her nominated deputy has the power to take any decision, including a key decision, in a situation where the matter is so urgent that it does not allow time for a report to be considered by Council, the Executive, the relevant Executive Member or the appropriate Committee. Wherever possible, in the case of any key decisions, such decisions shall be made in consultation with the Leader or the Deputy Leader. The decision shall be reported to the next appropriate and available meeting.

## **3. Deputy Chief Executive**

- 3.1 The Council will designate one of the Directors as the Deputy Chief Executive for the time being. Such designation shall carry with it the delegation to exercise all and any of the Chief Executive's specific delegated functions, during any period where the Chief Executive is absent in the sense that he/she is not in a position to exercise the powers of Chief Executive, for example due to sickness, incapacity, or being out of contact in the case of emergency.

## **4. Powers of the Directors**

- 4.1 Details of the Council's Directors indicating their general areas of responsibility will be recorded in this Constitution.

- 4.2 All Directors have the power to take decisions in relation to the discharge of the Council's and the Executive's functions within their area of responsibility and which have not been reserved to Council, the Executive and Executive Member or a Committee.

*Note that this delegation is subject to the general provisions and limitations set out in this Constitution.*

- 4.3 Each Director shall have all the powers and duties delegated other staff within his/her portfolio so far as is legally permissible.

## **5. Powers of Staff**

- 5.1 All staff shall be delegated all those powers necessary to carry out those functions specified in their respective job descriptions, subject to the general provisions and limitations set out in this Constitution.

- 5.2 All staff will have delegated authority required to:-

- (a) Effectively manage and promote the services for which they are responsible;
- (b) Exercise the functions delegated to Officers under the Financial Procedural Rules and to let contracts in accordance with Contract Procedure Rules;
- (c) Exercise all functions delegated under the Officer Employment Procedure Rules and to manage all staff in accordance with the Council's Policy and Procedures

## **6. Monitoring Officer and Chief Finance Officer**

- 6.1 The functions of the Monitoring Officer and Chief Finance Officer are set out below. The Council will provide the Monitoring Officer and Chief Finance Officer with such offices, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

6.2 The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service

6.3 The Council has appointed the Assistant Director of Governance and ICT as the Monitoring Officer

6.4 **Functions of the Monitoring Officer**

The powers and functions of the Monitoring Officer are:

- (a) to maintain an up to date version of the Constitution and ensure that it is widely available for consultation by Members, staff and the public. This responsibility includes the power to make such amendments to the Constitution and related documents as may be necessary. Such changes should not include any changes of substance but be restricted to changes which the Monitoring Officer considers are required to reflect and take account of changes in legislation, guidance, Council policy and decisions of the Council and the Executive or are drafting changes and/or improvements;
- (b) to report to Full Council (or to the Executive in relation to an Executive function) after consulting with the Head of Paid Service and Chief Finance Officer, if he/she considers that any proposal, decision or omission would give rise to unlawfulness or to maladministration. Such a report will be sent to all Members of the Council and will have the effect of stopping the proposal or decision being implemented until the report has been considered;
- (c) to contribute to the corporate management of the Council, in particular by providing professional legal advice;
- (d) to contribute to the promotion and maintenance of high standards of conduct and ethics through provision of support to the Joint Standards Committee;
- (e) to jointly advise with the Chief Finance Officer whether the decisions of the Executive are in accordance with the budget and policy framework;

- (f) in conjunction, where necessary, with the Chief Finance Officer, to provide advice to all Councillors on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues;
- (g) where necessary, in conjunction, with the Chief Finance Officer, to exercise powers of sanction and intervention where he or she considers that any proposal, decision or omission would give rise to unlawfulness or maladministration or otherwise contravene the corporate governance interests of the authority;
- (h) As solicitor to the Council the power to;
  - (i) take any action intended to give effect to a decision of the Council, the Executive, a Committee of the Council or an Officer.
  - (ii) institute, defend, participate in, settle or withdraw from any legal or other proceedings or procedures in any case where such action is necessary to give effect to decisions of the Council, the Executive, a Committee of the Council or an Officer or in any case where he/she considers that such action is necessary to protect the Council's interests.
  - (iii) to authorise Council employees to conduct legal matters in court
  - (iv) to take any action remitted to him/her under corporate procedures, with the exception of those matters where this constitution has directed that the delegated authority should not be exercised and that the matter should be referred to Full Council, a Committee of the Council or to the Executive for consideration.
  - (v) in consultation with the Chair of the Joint Standards Committee the power to grant dispensations allowing Members to participate in meetings where they have a disclosable pecuniary or prejudicial interest in the business being considered at the meeting.

6.4 The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.



## 7. Functions of the Chief Finance Officer

7.1 The Council has appointed the Director of Customer and Business Support Services as the Chief Finance Officer.

7.2 The functions of the Chief Finance Officer are:

- (a) to report to the Full Council (or to the Executive in relation to a Executive function) after consulting with the Head of Paid Service and the Monitoring Officer and send a copy of the report to all Members of the Council and to the Council's external auditor if he/she considers that any proposal, decision or course of action will involve incurring unlawful expenditure or is unlawful and is likely to cause a loss or deficiency or if the Council (or the Executive) is about to enter an item of account unlawfully;
- (b) to be responsible for the administration of the financial affairs of the Council;
- (c) to contribute to the corporate management of the Council, in particular by providing professional financial advice.
- (d) to provide advice to all Councillors on the scope of powers and authority to take decisions, maladministration in relation to financial matters, financial impropriety, probity and budget and policy framework issues and to support and advise Councillors and staff in their respective roles (in liaison, as necessary, with the Monitoring Officer);
- (e) where required by law or authorised by the Council, to provide financial information to the media, members of the public and the community.
- (f) where necessary, and in conjunction with the Monitoring Officer as appropriate, to exercise powers of sanction and intervention when he or she considers that any proposal, decision, omission or course of action is likely to incur unlawful expenditure or otherwise contravene the corporate governance interests of the Council.

## **8. Statutory Scrutiny Officer**

- 8.1 The statutory scrutiny officer cannot be the Head of Paid Service, the Chief Finance Officer or the Monitoring Officer.
- 8.2 The Council has appointed the Head of Civic and Democratic Services as the Statutory Scrutiny Officer
- 8.3 The functions of the statutory scrutiny officer are:
- (a) to promote the role of the authority's overview and scrutiny committee or committees;
  - (b) to provide support to the authority's overview and scrutiny committee or committees and the members of that committee or those committees;
  - (c) to provide support and guidance to—
    - (i) members of the authority,
    - (ii) members of the executive of the authority, and
    - (iii) officers of the authority,in relation to the functions of the authority's overview and scrutiny committee or committees

## **9. Restrictions on use of delegated powers**

*Note: All delegated decision must be in compliance with the Constitution including the budget and policy framework, financial procedure rules and the contract procedure rules*

### **Financial thresholds**

- 9.1 An Officer may not make a key decision unless specifically authorised to do so under this Constitution or by the Executive
- 9.2 An Officer may not award a contract with a value exceeding £250K except where the contract is treated as a routine procurement in accordance with the Contract Procedure Rules

**Planning Powers**

- 9.3 An Officer may not exercise a power in respect of a planning matter where the power to take the particular decision is specifically delegated under this Constitution to the Planning Committee or Planning Sub Committee
- 9.4 An Officer may not authorise the issuing of a planning enforcement or stop notice without consultation with the Chair and Vice Chair of the Planning Committee. Such consultation shall not be required where urgent or immediate action is required.
- 9.5 An Officer may not determine a planning application which a Councillor has requested be determined by Committee unless the Director of City and Environmental Services or the Assistant Director (Planning and Transport) has consulted the Chair and Vice Chair of Planning Committee and, following that consultation, has agreed to the matter being determined under delegated powers.
- 9.6 An Officer may only designate or refuse to designate an area as a neighbourhood area under the Localism Act 2011 where the application for designation has been made by a Parish Council for the designation of the whole Parish and no objection has been received to the application.

**Licensing functions**

- 9.7 An Officer may not exercise a Council function in respect of a licensing matter where the function has been specifically reserved under this Constitution to Council, a Committee or a Sub Committee

**Executive functions**

- 9.8 An Officer may not exercise an executive function where the relevant Executive Member or the has reserved the power to him or herself by giving written notice to the officer holding the delegated power or to the Chief Executive

## Legal Action

- 9.9 An Officer may only commence legal proceedings in accordance with an approved enforcement policy or with the approval of the Assistant Director of Governance and ICT

## Part B- Proper Officer Functions

### 1. Meaning of Proper Officer Functions

- 1.1 Certain legislation requires the Council to designate a particular Officer as “Proper Officer” for the performance of certain functions.
- 1.2 The following officers are designated to perform the functions of Proper Officer in relation to the matters set out below in the following tables:

### Local Government Act 1972

No.	Section	Duties	Proper Officer
1	42	To receive notice in writing of a request for an election on casual vacancy occurring in the office of a Parish Councillor.	Chief Executive
2	83 (1)	To receive the declaration of acceptance of office by the Lord Mayor, Deputy Lord Mayor, Sheriff or Councillor of the Council.	The Monitoring Officer or in his/ her absence the Democratic Services Manager.

No.	Section	Duties	Proper Officer
3	83 (3)	To witness the declaration of acceptance of office by the Lord Mayor, Deputy Lord Mayor, Sheriff or Councillor of the Council.	The Monitoring Officer or in his/ her absence the Democratic Services Manager.
4	84	To receive written notice of resignation from any officer under the Local Government Act 1972.	The Monitoring Officer or in his/ her absence the Democratic Services Manager.
5	88 (2)	To convene a meeting of the Council for the election of Chairman of the Council on a casual vacancy occurring.	The Monitoring Officer or in his/ her absence the Democratic Services Manager.
6	89 (1) (b)	To receive written notice of a casual vacancy in the office of a Councillor from two local government electors.	The Monitoring Officer or in his/ her absence the Democratic Services Manager.
7	146 (1)(a) (re: transfer of securities of a company in the name of a local authority)	To make statutory declarations as to the securities and the change of name and identity of an authority on the transfer of those securities into the new name of the authority	The Monitoring Officer or in his/her absence a solicitor nominated by the Monitoring Officer.

No.	Section	Duties	Proper Officer
8	146(1)(b) (re: transfer of securities of a company in the name of a local authority)	To give a certificate confirming that a local authority has become entitled to securities, dividends or interest standing in the name of the name of another local authority.	The Monitoring Officer or in his/her absence a solicitor nominated by the Monitoring Officer.
9	151	Officer responsible for the proper administration of financial affairs.	Director of Customer & Business Support Services
10	191 (2)	To receive applications concerning surveying under section 1 of the Ordnance Survey Act 1841.	Director of City and Environmental Services
11	210 (6) and (7)	Duties relating to charities.	Head of Finance

No.	Section	Duties	Proper Officer
12	225 (1)	To receive and retain such documents as are specified by the Standing Orders of the House of Commons, or any enactment or instrument, in the manner and for the purpose directed and to make such notes and endorsements thereon and to give such acknowledgments and receipts in respect thereof as may be so directed.	The Monitoring Officer
13	229 (5)	To give a certificate in legal proceedings that a document is a photographic copy of a document or any part of a document which is in the custody of, or has been destroyed while in the custody of a Local Authority.	The Monitoring Officer or in his/her absence a solicitor nominated by the Monitoring Officer.
14	234 (1)	To sign on behalf of the Authority any notice, order or other document which the Authority is authorised or required to authorise or required to give, make or issue.	The Monitoring Officer or in his/her absence a solicitor nominated by the Monitoring Officer.

<b>No.</b>	<b>Section</b>	<b>Duties</b>	<b>Proper Officer</b>
15	238	To sign a certificate endorsed on a printed copy of any byelaws (relating to the authenticity of the byelaws).	The Monitoring Officer or in his/her absence a solicitor nominated by the Monitoring Officer.
16	Schedule 12 Para 4 (3)	To receive written notice from a Member that the summons to a meeting of the Council shall be sent to some other address other than his/her place of residence.	The Monitoring Officer or in his/ her absence the Democratic Services Manager.
17	Schedule 14	To certify resolutions of the Council under Public Health Acts 1875-1925.	The Monitoring Officer
18	Schedule16 (28)	To receive on deposit lists of buildings of special architectural or historic interest under section 54 (4) of the Town & Country Planning Act.	Director of City and Environmental Services



No.	Section	Duties	Proper Officer
19	Schedule 29 Para 41 (3)	Substitution of Proper Officer for Clerk of Council in section 9 (1) of Registration Services Act 1953- the determination of a Deputy to become Interim Superintendent Registrar or Interim Registrar of births and deaths if the latter ceases to hold office.	Assistant Director (Communities & Neighbourhoods)
20	Schedule 29 Para 41 (4)	<p>Substitution of Proper Officer for Clerk of Council.</p> <ol style="list-style-type: none"> <li>1. In section 9 (2) of Registration Service Act 1953- appointment of Interim Superintendent Registrar or Registrar of births and death were no Deputy.</li> <li>2. In section 13 (2) (h) details of running of service hours in business Superintendent Registrars.</li> <li>3. In section 13 (3) (b) general supervisory powers over administration of Registration Service Act.</li> </ol>	Assistant Director (Communities & Neighbourhoods)

<b>No.</b>	<b>Section</b>	<b>Duties</b>	<b>Proper Officer</b>
21	Schedule 29 Para 41 (5)	Substitution of Proper Officer for Clerk of Council in section 20 (b) of Registration Service Act 1953-prescription of duties in regulation of Clerks of Council under Registration Acts.	Assistant Director (Communities & Neighbourhoods)
22	Section 100 b (2)	Excluding from inspection by Members of the public, the whole or part of any report which in his/her opinion is likely to be excluded from consideration in public at a Council, Executive, Committee or sub Committee meeting.	The Monitoring Officer or in his/ her absence the Democratic Services Manager.
23	Section 100 B (7)	Deciding whether or not a newspaper should be supplied with copies of any documents supplied to a Member of the Council other than the agenda, report and statement, or particulars indicating the nature of the agenda items.	The Monitoring Officer or in his/ her absence the Democratic Services Manager.

<b>No.</b>	<b>Section</b>	<b>Duties</b>	<b>Proper Officer</b>
24	Section 100 C (2)	Making (without disclosing exempt information) a written summary to provide Members of the public with a reasonable fair and coherent record of the whole or part of the proceedings where part of the minutes of the meeting are not open to the public because they disclose exempt information.	The Monitoring Officer or in his/ her absence the Democratic Services Manager.
25	Section 100 d (1) a & 5 (a)	Compilation of lists of background papers and identification of background papers.	Chief Executive & Corporate Directors (each Corporate Director for their service reports)
26	Section 100 d	Papers not open to inspection by Members.	Chief Executive & The Monitoring Officer

**The Highways Act 1980**

<b>No.</b>	<b>Section</b>	<b>Duties</b>	<b>Proper Officer</b>
1	Section 205 (5) (re: private street works)	To certify a copy of the resolution of the Local Authority approving the specifications, estimates and apportionment and a copy of those documents for keeping on deposit open to public inspection.	The Monitoring Officer or in his/her absence a solicitor nominated by the Monitoring Officer.
2	Section 210 (2) (re: private street works)	To certify a document giving details of the amendment of any estimate and consequential amendment of any apportionment for keeping on deposit open to public inspection.	The Monitoring Officer or in his/her absence a solicitor nominated by the Monitoring Officer.

**Representation of the People Act 1983**

<b>Para</b>	<b>Section</b>	<b>Duties</b>	<b>Proper Officer</b>
1	Section 35	To be the Returning Officer for elections of Councillors of the City	Chief Executive

1.3 The Chief Executive shall act as proper officer in any other circumstances



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**Audit and Governance Committee**10<sup>th</sup> May 2016

Report of the Director of CBSS (Portfolio of the Leader of the Council)

**Audit & Governance Committee Forward Plan to February 2017****Summary**

1. This paper presents the future plan of reports expected to be presented to the Committee during the forthcoming year to February 2017.

**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 to February 2017. 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 previous version was presented to the Committee in April 2016.
4. At the request of members at the previous meeting, a report on the Review of protocols on Public Participation and Webcasting has been added to the Agenda for June.
5. An update report on the Internal Audit Charter has been added to the Agenda in July.
6. A further update on the Older Persons Accommodation has been added to Agenda in September.
7. The Treasury Management Annual Report 2015/16 and review of Prudential Indicators has been brought forward from July to May.

### **Consultation**

8. 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**

9. Not relevant for the purpose of the report.

### **Analysis**

10. Not relevant for the purpose of the report.

### **Council Plan**

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

### **Implications**

12.
  - (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**

13. 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**

14.

- (a) The Committee's Forward Plan for the period up to February 2017 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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**Report  
Approved**



**Date** 10/05/2016

**Specialist Implications Officers**

Head of Civic, Democratic & Legal Services

**Wards Affected:** Not applicable

**All**

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

**Background Papers: None**

**Annex**

Audit & Governance Committee Forward Plan to February 2017

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## **Audit & Governance Committee Draft Forward Plan to February 2017**

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

- **Committee 22<sup>nd</sup> June 2016**

Draft Annual Governance Statement

Annual Report of the Audit & Governance Committee

Review of protocols on Public Participation and Webcasting

Review of Contract Procedure Rules

Mazars Audit progress report

Annual Report of the Head of Internal Audit

Quarterly Project Management update report

Report on the Transparency code 2015

*Changes to the Constitution (if any)*

- **Committee 27<sup>th</sup> July 2016**

Draft Statement of Accounts

Mazars Audit Progress Report

Key Corporate Risks Quarter 2 (including directorate risks)

Freedom of Information Update report

Internal Audit Charter Update

*Changes to the Constitution (if any)*

- **Committee 28<sup>th</sup> September 2016**

Final Statement of Accounts 2015/16

Mazars Audit Completion Report

Update on the OPA Review

Key Corporate Risks Quarter 3

Follow up of Internal & External Audit recommendations

Internal Audit & Fraud plan progress report

Quarterly Project Management update report

*Changes to the Constitution (if any)*

- **Committee 7<sup>th</sup> December 2016**

Mazars Annual Audit Letter 2015/16

Mazars Audit Progress Report

Treasury Management Mid year review report 2016/17 and review of prudential indicators

Information Governance & Freedom of Information Update Report

Internal Audit & Fraud Progress Report

*Changes to the Constitution (if any)*

- **Committee February 2017**

Key Corporate Risk Monitor

Mazars Audit Progress Report

Scrutiny of the Treasury Management strategy statement and Prudential indicators

Counter Fraud: Risk Assessment and review of policies

Audit & Counter Fraud Plan & Consultation

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