

## **Minutes of the Meeting of the Standards and Audit Committee held on 6 September 2023 at 7.00 pm**

---

**Present:** Councillors Fraser Massey (Chair), Steve Liddiard (Vice-Chair), Gary Collins, Elizabeth Rigby, Kairen Raper and James Thandi

Charles Clarke (Co-opted Member)  
Jasdip Singh Nijjar (Co-opted Member)

### **Apologies:**

### **In attendance:**

Rachel Brittain, Binder Dijke Otte (BDO)  
Gary Clifford, Chief Internal Auditor  
Michael Dineen, Assistant Director Counter Fraud, Enforcement and Community Safety  
Lee Henley, Head of Information Management  
Asmat Hussain, Director of Legal and Governance and Monitoring Officer  
Rhiannon Whiteley, Senior Democratic Services Officer

---

Before the start of the Meeting, all present were advised that the meeting may be filmed and was being recorded, with the audio recording to be made available on the Council's website.

### **48. Minutes**

The minutes of the Standards and Audit Committee meeting held on 19 July 2023 were approved as a correct record.

Councillor Collins queried where the whistle blowing policy was on the work programme. The Senior Democratic Services Officer confirmed it is listed at the bottom of the work programme but has not been allocated to a meeting as yet.

### **49. Items of Urgent Business**

There were no items of urgent business.

### **50. Declaration of Interests**

No interests were declared.

### **51. External Audit Progress Update - Verbal Update**

Rachel Brittain from BDO referred to the following PowerPoint presentation slides:

## **52. Annual Information Governance Report April 2022 - March 2023**

The Head of Information Management presented the report.

- For the reporting period, the council processed 96% of Freedom of Information (FOI) requests within the 20-working day legal timeframe.
- During the reporting period, the council received 108 Subject Access Requests under the Data Protection Legislation. 91% of these requests were processed within the legal timeframe.
- During the reporting period, the council received 108 Subject Access requests. Of the 108 requests, 91% were processed within the legal timeframe. The 10 requests that did not meet the deadline, were large/complex requests and staged information disclosures were provided to individuals in all cases.
- Complaints are summarised at paragraph 2.3.6 of the report

During the discussion the following was confirmed / highlighted:

- Members requested benchmarking against other Local Authorities in future reports. The Head of Information Management agreed and commented that the teams performance has always been strong and normally ranked high.
- Members queried if many requests were received to delete personal information. The Head of Information Management confirmed that at paragraph 2.3.8 it confirms 5 have been received in the reporting period, 3 were accepted and 2 refused.
- Members discussed moving records to be digitally stored. The Head of Information Management confirmed that storing boxes off-site was relatively cheap at £1.50 per box. To digitise it can cost £70. In the circumstances, they are careful not to digitise records outside of the retention period. The Head of Management acknowledged they do need to pick up pace on this. There is a Records Management Lead.

## **53. Dispensations for Member Interests Report**

The Interim Director of Legal and Governance and Monitoring Officer explained that the report sets out the position of Councillors and Co-opted members obligations to declare any disclosable pecuniary interests. The Monitoring Officer holds the Register of Interests. Thurrock Borough Council does not have a process for a member to request a dispensation and under the procedures and code of conduct Members currently have to leave the

meeting. On some occasions a member may want to stay in a meeting and vote. The Interim Director of Legal and Governance and Monitoring Officer stated that on page 30 of the report it sets out the 4 areas where members could request from the Monitoring Officer a dispensation to stay in the meeting, participate and vote on the matter discussed. A new form has also been introduced and can be found at appendix 1 of the report if members wish to apply for a dispensation.

The Interim Director of Legal and Governance and Monitoring Officer confirmed that it is recommended that if grounds C and D are used, in consultation with the Chair of the Standards and Audit Committee they would agree that exemption. The Monitoring Officer consulting with the Chair of the Standards and Audit Committee to ensure a fair approach. The Interim Director of Legal and Governance and Monitoring Officer highlighted that a report would be provided to the Standards and Audit Committee annually to say which dispensations have been granted, to which members and for what committees.

There are 4 general dispensations listed at paragraph 2.4 of the report which apply to all Councillors and members do not need to apply for them. These dispensations will last for the Councillor's term of office.

Members queried if dispensations would apply to the Planning Committee. The Interim Director of Legal and Governance and Monitoring Officer responded that the Planning Committee and Licensing Committee have their set of rules and procedures as they are quasi-judicial. The Interim Director of Legal and Governance and Monitoring Officer confirmed that she would have to review any request for a dispensation for this and it would have to be a very high threshold.

Members queried if the dispensation would be declared at the individual meeting and if it would be announced by the Chair. The Interim Director of Legal and Governance and Monitoring Officer confirmed this is correct.

Members queried what notice period would be required as it will take time for the Monitoring Officer and Chair of the Standards and Audit Committee to discuss the matter prior to the meeting.

The Interim Director of Legal and Governance and Monitoring Officer stated that as soon as the agenda comes out, Councillors should notice whether they have a disclosable pecuniary interest and start completing the dispensation form if they require the dispensation to allow it to be processed. The Monitoring Officer would contact the Chair of the Standards and Audit Committee.

The Chair queried if the Vice Chair could also approve in the absence of the Chair.

The Interim Director of Legal and Governance and Monitoring Officer agreed with this approach.

**RESOLVED:**

**1.1 The Standard and Audit Committee note the guidance and rules relating to dispensations in this report.**

**1.2 The Standard and Audit Committee support the use of the dispensation form for all Members of the Council to make requests to the Monitoring Officer. When considering a request for a dispensation under category c or d, in the absence of the Chair of Standards and Audit Committee being available, the Monitoring Officer should consult with the Vice Chair of the Standards and Audit Committee.**

**54. Counter Fraud & Investigation Annual Report 2022/23 and Proactive Work Plan 2023/24**

The Assistant Director for Investigation, Enforcement and Community Protection and Safety confirmed that the Strategy has not changed and it will not until the end of this financial year. The Counter Fraud team separated from NATIS (National Investigation Service) last year to enable one function to look internally and for one to be an externally facing body. This has seen positive results since the separation, with 40 referrals being received in quarters 1-3 and 41 referrals being received in quarter 4 alone. Engagement between the Counter Fraud team and other internal departments is working really well.

- 152 Fraud alerts were sent out to internal and external partners warning of fraud trends or known fraud attacks
- 128 Intelligence reports were sent to other Law Enforcement agencies, assisting in their criminal investigations
- The team was able to prove £239,300 worth of fraud against individuals or companies
- The CFI enabled other departments within the Authority to save £94,000 through the recovery of 4 social housing properties.
- 81 reports of suspected fraud was received by the CFI, valued at £2,247,900

The CFI Team now has a counter fraud manager in place and they will take responsibility for the work plan.

Members queried the date for the UK Accreditation Service inspection date. The Assistant Director for Investigation, Enforcement and Community Protection and Safety confirmed the police and IOS will deal with that separately and he will confirm the date once confirmed.

Members queried that the Fraud Heath check on social care application has been deferred. The Assistant Director for Investigation, Enforcement and Community Protection and Safety confirmed they are completing that.

Members queried the priority of insider threats in Local Government and what that means.

The Assistant Director for Investigation, Enforcement and Community Protection and Safety confirmed it does range from any fraud committed by a Council employee in their role for example, if a housing officer manipulates a waiting list for their friend it would be classified as an insider threat. It could be manipulating the procurement process and tender to ensure someone gets the contract.

Members queried what action is taking to see if companies we are looking at are legitimate. The Assistant Director for Investigation, Enforcement and Community Protection and Safety clarified that is not something covered by the counter fraud team, it is a due diligence check and would sit with another department such as the Procurement department.

The Chair highlighted that cybercrime is listed as a priority. The Assistant Director for Investigation, Enforcement and Community Protection and Safety confirmed that Digital and forensic crime sits within NATIS. NATIS still works with the emergency planning and business continuity team and IT at the Council so it can put in plans to deal with a cyber-attack.

The Chair queried if there were any plans to put in the Cyber Essentials Plus accreditation. The Assistant Director for Investigation, Enforcement and Community Protection and Safety responded that he would need to speak to the digital team for an update. The Head of Information Management confirmed that the ICT department are looking to move the Cyber Essentials accreditation forward and are close to completing it.

**ACTION:** The Assistant Director for Investigation, Enforcement and Community Protection and Safety is to report back to the Committee as to where the IT department are at with the Cyber Essentials Accreditation.

Charles Clarke highlighted that the largest part of fraud seems to be housing fraud and he queried if a particular campaign on this is planned now or in the future. The Assistant Director for Investigation, Enforcement and Community Protection and Safety stated that the team work closely with the housing teams and are already looking at proactive operations. There is no campaign planned at this time but he will take that suggestion away.

Charles Clarke noted that the CFI team generated £136,000 external income in 22/23 and queried if that can that be developed further in 23/24. The Assistant Director for Investigation, Enforcement and Community Protection and Safety clarified that the work with Castle Point Council has been long standing and will continue but they probably will not go out to other Local Authorities. The team is really focussed on looking at internal issues.

Jasdip Nijjar queried how Counter Fraud compares with other Local Authorities and queried if they report in a similar matter. The Assistant Director for Investigation, Enforcement and Community Protection and Safety Benchmarking responded that he was unable to answer the question but he does plan to include benchmarking in future reports. The Assistant Director for Investigation, Enforcement and Community Protection and Safety stated that benchmarking would usually follow the below categories.

- How many referrals received?
- How many crimes solved?
- How much money did you get back and or save ?

**ACTION:** Add to the proactive workplan that benchmarking will be added in future reports

Members queried if there is enough staff to deal with housing fraud. The Assistant Director for Investigation, Enforcement and Community Protection and Safety confirmed that abandonment of properties happens the most, this is where residents may embark on a new relationship but do not want to give up their council home as a safety net. The Assistant Director for Investigation, Enforcement and Community Protection and Safety explained they don't look to take people to court and have a trial but instead encourage them to hand over the keys for the property as the court process often takes time.

Charles Clake queried if the general public can make referrals. The Assistant Director for Investigation, Enforcement and Community Protection and Safety stated they do accept referrals from residents and councillors and emails, anonymous letters and Crimestoppers referrals were received. There is also an automated web page on the Council's website – Report it at Thurrock.

**RESOLVED:**

- 1.1 The Committee notes the performance of the Counter Fraud & Investigation team in 2022/23.**
- 1.2 The Committee approves the Counter Fraud & Investigation strategy and work plan for 2023/24. The fraud health check application process will be added to the workplan and future benchmarking will be included in future reports to the Committee.**

**55. Regulation of Investigatory Powers Act (RIPA) - Activity Report 2022/23**

The Head of Information Management explained that the report provides an update on the usage and activity of RIPA requests during the period 1 April 2022 to 31 March 2023, along with a refreshed RIPA Policy included as Appendix A.

The RIPA policy is reviewed annually and/or if there are changes to legislation. As there have been no changes to RIPA legislation, with the

exception of updating the list of Authorising Offices within the policy and including a separate reference to CCTV, no other changes are considered necessary at this stage.

The RIPA Act allows the council to undertake directed/covert surveillance, however any covert surveillance undertaken must:

- Be necessary and proportionate to the alleged crime
- Only be used as a last resort and/or if other less intrusive means cannot be used
- Only be carried out if the potential crime/offence would result in a prison sentence of at least 6 months

Members queried if authorising officers in the Policy are updated as and when. The Head of Information Management stated that in the time this report has been produced the authorised officers have changed and they are training new officers to authorise RIPA requests.

Charles Clarke queried if the CFO or Interim Director of Finance could be an authorised officer. The Head of Information Management responded that 5 officers are identified at Assistant Director level and will be trained but the CFO could be.

Members queried if CCTV is covert. The Head of Information Management responded that CCTV is not considered covert as the cameras are visible. Need to ensure signage is available confirmed that CCTV is in place.

The Chair raised that CCTV can now record audio and queried if the signs would need to be updated. The Head of Information Management confirmed this would be picked up in the data processing assessment under fair processing.

**RESOLVED:**

**1.1 That Standards and Audit Committee note the statistical information relating to the use of RIPA for the period 1 April 2022 to 31 March 2023.**

**1.2 That Standards and Audit Committee agree the RIPA Policy.**

**56. Annual Complaints & Enquiries Report - 2022/2023**

The Head of Information Management presented the report.

- The number of complaints received for the reporting period is 1717. For the same period last year, the figure was 1562, therefore the reporting period represents an increase of 155 complaints received (10%)

- During the reporting period, 47% of complaints were upheld. This is an increase compared to the same period last year, which identified 39% of complaints as upheld.
- Waste and Housing repairs have the highest upheld complaints. The Waste Service has not been able to provide a consistent garden waste bin collection service. Storm Eunice affected housing repairs, shortage of materials and an increase in damp and mould complaints.

Jasdip Nijjar queried how the Council ensures learning is embedded. The Head of Information Management confirmed that every complaint that is upheld has learning and this is tracked. With Adult Social Care complaints they have a contact in the Adult Social Care Commissioning team who will as part of their visits check that the learning is embedded.

Members queried how Local Authorities are selected for benchmarking. The Head of Information Management responded that it can be hard to get responses from Councils, it is just whoever answers.

The meeting discussed members enquiries. The Interim Director of Legal and Governance and Monitoring Officer stated that a piece of work is being completed on Members enquiries so they can track the status of enquiries. A Members Enquiries Protocol is also likely to be introduced.

The Interim Director of Legal and Governance and Monitoring Officer highlighted that the Head of Information Management is providing an overview of complaints, Members can do a deep dive into certain areas and if more information is needed members can ask the Director to attend the Committee and provide more information.

Members expressed interest in seeing the numbers of complaints broken down by ward.

#### **RESOLVED:**

#### **1.1 That Standards and Audit Committee consider and note the report**

### **57. Publication of Councillor's Home Addresses on Register of Interests**

The Governance Solicitor introduced the report and explained that Members are required to notify the Monitoring Officer of their disclosable pecuniary interests so that the public, council employees and fellow councillors know which of a Member's interests might give rise to a conflict of interest. Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of those interests. The Register of Interests is published on the Council's website and Members home addresses are usually published in the Register of Interests. Provisions in the Localism Act 2011 require

Members to disclose the address of any property they occupy as their residence which is owned or rented by them in Thurrock.

A number of Members have asked the Council not to publish their home addresses in the Register of Interests. Provisions in section 32 of the Localism Act 2011 provides the Monitoring Officer with the power to withhold publication of Members home addresses in the Register of Interests if the Monitoring Officer considers that its disclosure could lead to the Member, or a person connected to the Member being subject to violence or intimidation and be treated as a sensitive interest. This is dependent on the Member being able to demonstrate a risk of violence or intimidation.

The report sets out 3 options to be considered by the Committee:

Option 1 – Do nothing

Option 2 - This option would allow Members to explicitly opt in or out of having their home address published.

Option 3 - The Monitoring Officer to grant a blanket dispensation whereby all Members' addresses are treated as sensitive interests as a default position, without there being evidence of a risk of violence or intimidation.

Members commented that people had turned up at their address.

Members raised that is more their family members that have raised concerns over home addresses being disclosed.

Members expressed a higher level of concern for the safety of their family members who live with them above their own safety.

Members unanimously agreed option 3.

#### **RESOLVED:**

**1.1 The Standards and Audit Committee note the content of the report.**

**1.2 The Standards and Audit Committee approved option 3 set out in paragraph 3 relating to the approach to be taken to the publication of Members home addresses on the Register of Interests.**

## **58. Work Programme**

Councillor Collins requested that the following reports be assigned to a meeting.

- Whistleblowing report
- Contract management / lessons learned
- Briefing note on changes to the Procurement Law in 2024

The Chair requested that the Director of Housing and Waste Management attend the next committee meeting.

The Assistant Director for Investigation, Enforcement and Community Protection and Safety highlighted that due to the new timeframes introduced for signing off reports the Counter fraud report for the November meeting will cover quarter 1 instead of quarter 2 and at the February meeting the report will cover quarter 2 as opposed to quarter 3.

The Head of Information Management raised whether his 6 month reports can be a combined report covering both complaints and information governance.

**The meeting finished at 8.57 pm**

Approved as a true and correct record

**CHAIR**

**DATE**

**Any queries regarding these Minutes, please contact  
Democratic Services at [Direct.Democracy@thurrock.gov.uk](mailto:Direct.Democracy@thurrock.gov.uk)**