



Agenda

Audit and Standards Committee

Date:	Thursday, 18 January 2018 at 6:30 pm
Venue:	Town Hall, St Annes, FY8 1LW
Committee members:	<p>Councillor John Singleton JP (Chairman)</p> <p>Councillor David Donaldson (Vice-Chairman)</p> <p>Councillors Delma Collins, Peter Collins, Paul Hayhurst, Edward Nash, Graeme Neale, Louis Rigby, Roger Small.</p>

	PROCEDURAL ITEMS:	PAGE
1	Declarations of Interest: Declarations of interest, and the responsibility for declaring the same, are matters for elected members. Members are able to obtain advice, in writing, in advance of meetings. This should only be sought via the Council's Monitoring Officer. However, it should be noted that no advice on interests sought less than one working day prior to any meeting will be provided.	1
2	Confirmation of Minutes: To confirm the minutes, as previously circulated, of the meetings held on 16 November 2017 and 23 November 2017 as correct records.	1
3	Substitute Members: Details of any substitute members notified in accordance with council procedure rule 24(c).	1
	STANDARDS ITEMS:	
4	Issues Raised with the Monitoring Officer (INFORMATION ITEM)	3 - 4
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7	Appointment of External Auditors from 2018/19 Financial Year - Update	15
8	Mid Year Update on the Strategic Risk Register	16 - 24

9	Business Continuity Update	25 - 28
10	Regulation of Investigatory Powers Act 2000: Authorisations	29

Contact: Tara Walsh - Telephone: (01253) 658546 – Email: democracy@fylde.gov.uk

The code of conduct for members can be found in the council's constitution at
<http://fylde.cmis.uk.com/fylde/DocumentsandInformation/PublicDocumentsandInformation.aspx>

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INFORMATION ITEM

REPORT OF	MEETING	DATE	ITEM NO
MONITORING OFFICER	AUDIT AND STANDARDS COMMITTEE	18 JANUARY 2018	4
ISSUES RAISED WITH THE MONITORING OFFICER			

PUBLIC ITEM

This item is for consideration in the public part of the meeting.

SUMMARY OF INFORMATION

The Monitoring Officer has been appointed as Proper Officer to receive allegations of failure to comply with the Code of Conduct regarding councillors, town and parish councillors and co-opted members. The Monitoring Officer has delegated authority, after consultation with the 'Independent Person', to determine whether an allegation of members' misconduct requires investigation and arrange such an investigation.

The Monitoring Officer should seek resolution of complaints without formal investigation wherever practicable and she has the discretion to refer matters to the Audit and Standards Committee where she feels it is inappropriate for her to take a decision on a referral for investigation. She should also periodically prepare reports for the Audit and Standards Committee on the discharge of this function.

In order to keep the Audit and Standards Committee informed as to the number and general nature of matters brought to her attention; reports on the discharge of the function of Monitoring Officer are brought on a periodic basis.

It is a point of clarification that there are a number of stages in dealing with reported matters. Some matters are brought to the attention of the Monitoring Officer without merit. In instances where a breach may have been considered to arise, and in line with agreed procedures, wherever possible the Monitoring Officer should seek the resolution of complaints without the need for formal investigation.

SOURCE OF INFORMATION

The Monitoring Officer.

INFORMATION

The table below shows the nature of the allegations made in the complaints since last reported to the Audit and Standards Committee on 21st September 2017. Complainants do not need to specify a relevant part of the code where they believe a breach has occurred (and indeed some of these complaints relate to differing codes dependant on when the complaint originates). For the purpose of the table below, the Monitoring Officer has made a judgement and grouped them accordingly.

PARISH MATTERS	
Failure to treat others with respect	0
Bringing the authority into disrepute	0
Interests	0

BOROUGH MATTERS	
Failure to treat others with respect	1
Bringing the authority into disrepute	1
Interests	0

WHY IS THIS INFORMATION BEING GIVEN TO THE COMMITTEE?

Periodic reports to the Audit and Standards Committee show all the matters which have been brought to the attention of the Monitoring Officer for review in order that members of the Audit and Standards Committee have an appreciation of all matters arising.

FURTHER INFORMATION

Contact Tracy Morrison, Monitoring Officer Tel: 01253 658521

DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
RESOURCES DIRECTORATE	AUDIT AND STANDARDS COMMITTEE	18 JANUARY 2018	5
KPMG CERTIFICATION OF CLAIMS AND RETURNS – ANNUAL REPORT 2016/17			

PUBLIC ITEM

This item is for consideration in the public part of the meeting.

SUMMARY

The report presents the Certification of Claims and Returns - annual report for 2016/17 from KPMG. The report will be presented by KPMG.

RECOMMENDATION

The committee is recommended to:

1. Note the contents of the 'Certification of Claims and Returns - annual report for 2016/17' from KPMG which is attached to this covering report.

SUMMARY OF PREVIOUS DECISIONS

This item is considered each year by the Audit and Standards Committee in respect of the previous financial years grant claims.

CORPORATE PRIORITIES

Spending your money in the most efficient way to achieve excellent services (Value for Money)	✓
Delivering the services that customers expect of an excellent council (Clean and Green)	✓
Working with all partners (Vibrant Economy)	✓
To make sure Fylde continues to be one of the most desirable places to live (A Great Place to Live)	✓
Promoting Fylde as a great destination to visit (A Great Place to Visit)	

REPORT

1. The attached report has been prepared by the Council's external auditors, KPMG. It summarises the results of work carried out by KPMG on the certification of the Council's grant claims and returns relating to 2016/17.

IMPLICATIONS	
Finance	There are no financial implications arising directly from this report
Legal	No implications arising from this report
Community Safety	No implications arising from this report
Human Rights and Equalities	No implications arising from this report
Sustainability and Environmental Impact	No implications arising from this report
Health & Safety and Risk Management	No implications arising from this report

LEAD AUTHOR	CONTACT DETAILS	DATE
Paul O'Donoghue Chief Financial Officer	01253 658566	January 2018

BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
N/A	N/A	N/A

Attached documents

Appendix 1 - Report of KPMG - Certification of Claims and Returns - annual report for 2016/17



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Private & confidential

Paul O'Donoghue
Chief Financial Officer
Fylde Borough Council
The Town Hall
St Annes Road West
Lytham St Annes
FY8 1LW

Our ref Let-HF/2018/FBC/Grts

Contact Harriet Fisher
+44 7827 305274

9 January 2018

Dear Mr O'Donoghue,

Fylde Borough Council - Certification of claims and returns - annual report 2016/17

Public Sector Audit Appointments requires its external auditors to prepare an annual report on the claims and returns certified for each audited body. This letter is our annual report for the certification work we have undertaken for 2016/17.

In 2016/17 we carried out certification work on only one claim/return, the Housing Benefit Subsidy claim. The certified value of the claim was £18.962 million, and we completed our work and certified the claim on 29 November 2017.

Matters arising

Our certification work on Housing Subsidy Benefit claim included:

- agreeing standard rates, such as for allowances and benefit incomes, to the DWP Circular communicating the value of each rate for the year;
- sample testing of benefit claims to confirm that the entitlement had been correctly calculated and was supported by appropriate evidence;
- undertaking an analytical review of the claim form considering year-on-year variances and key ratios;
- confirming that the subsidy claim had been prepared using the correct benefits system version; and
- completing testing in relation to modified schemes payments, uncashed cheques and verifying the accurate completion of the claim form.



Our work did not identify any issues or errors and we certified the claim unqualified without amendment.

Consequently we have made no recommendations to the Council to improve its claims completion process. There were no recommendations made last year and there are no further matters to report to you regarding our certification work.

In our 2015/16 Certification Annual Report we raised no recommendations.

Certification work fees

Public Sector Audit Appointments set an indicative fee for our certification work in 2016/17 of £8,708. Our actual fee was the same as the indicative fee, and this compares to the 2015/16 fee for this claim of £9,043.

Yours sincerely

A handwritten signature in blue ink that reads 'Amanda Latham'.

Amanda Latham



This report is addressed to the Council and has been prepared for the sole use of the Council. We take no responsibility to any member of staff acting in their individual capacities, or to third parties. We draw your attention to the Statement of Responsibilities of auditors and audited bodies, which is available on Public Sector Audit Appointment's website (www.psaa.co.uk).

External auditors do not act as a substitute for the audited body's own responsibility for putting in place proper arrangements to ensure that public business is conducted in accordance with the law and proper standards, and that public money is safeguarded and properly accounted for, and used economically, efficiently and effectively.

We are committed to providing you with a high quality service. If you have any concerns or are dissatisfied with any part of KPMG's work, in the first instance you should contact Amanda Latham, the engagement lead to the Authority, who will try to resolve your complaint. If you are dissatisfied with your response please contact the national lead partner for all of KPMG's work under our contract with Public Sector Audit Appointments Limited, Andrew Sayers, by email to andrew.sayers@kpmg.co.uk. After this, if you are still dissatisfied with how your complaint has been handled you can access PSAA's complaints procedure by emailing generalenquiries@psaa.co.uk, by telephoning 020 7072 7445 or by writing to Public Sector Audit Appointments Limited, 3rd Floor, Local Government House, Smith Square, London, SW1P 3HZ.

DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
MONITORING OFFICER	AUDIT AND STANDARDS COMMITTEE	18 JANUARY 2018	6
PUBLIC SPEAKING			

PUBLIC ITEM

This item is for consideration in the public part of the meeting.

SUMMARY

At the meeting of the Audit and Standards Committee in June 2017, two reports were considered. The first related to public speaking at Planning Committee and the second to more general public speaking arrangements at committees.

With respect to public speaking at the Planning Committee, the Chairman proposed that the report be deferred to a future meeting and the committee agreed to defer the matter to a future meeting.

The second report, introduced options for a review of public speaking arrangements at committees. The context of this being that a governance review was undertaken in early 2016 by way of an online consultation with members and officers, together with a review conducted by the Institute of Local Government at the University of Birmingham ('INLOGOV'). An interested member of the public had also submitted views for consideration.

During the course of the discussion it was moved that the item be deferred until a decision had been made on the public speaking at Planning Committee matter.

Both these matters are now re-presented to the Committee for debate and decision.

RECOMMENDATIONS

1. Incorporate the public speaking procedures for Planning Committee into the constitution and consider proposed changes relating to requests made by Town and Parish Councils for applications under delegated authority to be determined by the committee as set out within paragraph 3 of the report.
2. To capture all arrangements for public speaking across the Council and its various committees into one composite section within the Constitution and commend the same to Council.

SUMMARY OF PREVIOUS DECISIONS

[Public Speaking at Planning Committee](#)

[Public Speaking Review](#)

CORPORATE PRIORITIES	
Spending your money in the most efficient way to achieve excellent services (Value for Money)	✓
Delivering the services that customers expect of an excellent council (Clean and Green)	✓
Working with all partners (Vibrant Economy)	✓
To make sure Fylde continues to be one of the most desirable places to live (A Great Place to Live)	✓
Promoting Fylde as a great destination to visit (A Great Place to Visit)	✓

REPORT

Public Speaking: Planning Committee

1. A number of changes were proposed with respect to proposed speaking arrangements at Planning Committee. These proposals did not find resonance with the Audit and Standards Committee, and following a further dialogue with the Chairman of Planning Committee and officers, this is acknowledged. As a result all the proposals for change have been withdrawn, with the exception of arrangements for Town and Parish Councils.
2. In this regard it was previously suggested that where a Town and Parish Council had requested that an application that would have otherwise have been determined under delegated authority be referred to committee instead, that the town and parish council should send a representative as a public speaker. Previously it was suggested that if the Town or Parish Council were not represented, that Chairman should move the item, without debate, to the vote in line with officers' recommendations. The Audit and Standards Committee is invited to consider adopting this rule with the proviso that it would only be referred to the vote without debate if either the Town or Parish Council were not in attendance, together with any other local speakers.
3. There is a need to enshrine speaking rules for Planning Committee within the Constitution and the rules as they stand at present, have been formalised into wording to be incorporated within the Constitution and these are attached as appendix. With respect to point 2 above, words on this particular point, if members wished to adopt this proposal, the following words would need to be incorporated within the rules:
4. *"Where a Town or Parish Council has requested that an application, that would have otherwise have been determined under delegated authority, be referred to Planning committee instead, the Town or Parish Council should send a representative as a public speaker. If the Town or Parish Council is unable to provide a representative (and there are no other local speakers), the Chairman will move the recommendation without debate"*

Public Speaking: In General

5. A number of options were previously presented to the Audit and Standards Committee for consideration that would in effect, amend the current public speaking arrangements. Proposals were presented about pre-registration to speak at programme committee meetings, public platform comments being restricted to the subject matters contained within the agenda papers of the meeting in hand and public platform being extended to other committees.
6. These options are set out below.
 - Pre-registration – speaker would be required to register prior to committee – suggested 24 hours prior*
 - Comments confined to agenda items – public speakers would have to limit their comments to items on the agenda only*
 - Public platform extended to Audit and Standards committee*
 - Or a mixture of the above options – for example pre-registration, public platform extended to Audit and Standards and speakers can speak on anything within the committee's remit*
7. Current arrangements for public speaking at meetings of the Council have been drawn together into one proposed section of the constitution for ease of reference. This is attached for member's consideration.
8. If members wished to adopt any of the suggestions previously presented as a result of the previous consultation on this matter, it would be open to make any suggested amendments as felt necessary.

IMPLICATIONS	
Finance	No direct implications
Legal	No direct implications
Community Safety	No direct implications
Human Rights and Equalities	No direct implications
Sustainability and Environmental Impact	No direct implications
Health & Safety and Risk Management	No direct implications

LEAD AUTHOR	CONTACT DETAILS	DATE
Tracy Morrison	Email tracy.morrison@fylde.gov.uk & Tel 01253 658521	15 th December 2017

BACKGROUND PAPERS		
Name of document	Date	Where available for inspection

Attached documents

Appendix 1 - Article 15 – Public Speaking at meetings of the Council and its Committees

Article 15 – Public Speaking at meetings of the Council and its Committees

15.0 Questions From Members Of The Public At Full Council Meetings

- 15.01 Any resident of the council's district may, subject to 15.02, may ask a question at an ordinary meeting of the council.
- 15.02 Questions will only be asked under 15.01 if:
- (i) the person who wants to ask the question has given it in writing to the Director of Resources before 4.30 p.m. on the fourth working day before the meeting (this means that if the meeting is to be held on a Monday, the question must be given before 4.30pm on the Tuesday before);
 - (ii) the question will take no longer than two minutes to ask; and
 - (iii) at the time the question is given to the Director of Resources, no more than four questions to be asked under this rule at the meeting concerned have previously been given to her.
- 15.03 The leader of the council will be given at least 24 hours' notice of any questions to be asked under this rule.
- 15.04 The question will be answered by the Leader of the Council or any other member nominated by them, so long as that member has consented before the meeting.
- 15.05 The person who has asked the question may then ask one supplementary question, which must arise out of the answer given to the original question and take no longer than two minutes to ask, and the member who answered the original question must answer the supplementary question.
- 15.06 No debate will be allowed arising out of a question asked or answer given under this rule.
- 15.07 No person may ask more than one question under this rule (excluding supplementary questions under 15.05) at any meeting.
- 15.08 If a person who has given a question to the Director of Resources as provided under 15.02 is unable to attend the council meeting to ask it, the Leader of the Council must arrange for a written answer to the question to be given to the person who has submitted it.

15.1 Public Platform

Public Platform is an opportunity for people who live or work in the council's district to put their point of view to a committee about matters within its terms of reference. The first fifteen minutes of each meeting of each programme committee, will be available for Public Platform. Public Platform will be conducted as set out below.

- (a) The chairman will begin the meeting by inviting any person (other than a councillor) who is present at a meeting and lives or works in the council's district to address the committee about any matter within the committee's terms of reference.
- (b) If he considers that Public Platform may be oversubscribed, the chairman will give priority to members of the public who wish to speak about items on the agenda of the meeting.
- (c) No person may address the meeting for longer than three minutes.
- (d) The committee will listen to a speaker in silence and, if the matter raised by the speaker relates to an item on the agenda for that meeting, may address any point raised by a speaker when the item to which it relates is discussed.
- (e) The chairman may require a person addressing the meeting to stop speaking if he considers that the speaker is behaving in a manner that is insulting, offensive or inflammatory.
- (f) The chairman may extend the time allocated for Public Platform if he considers that doing so would assist the committee in its deliberations.

15.2 Planning Committee

1. Speakers **must** apply in advance of the meeting, no later than 12.30pm on the Monday prior to the meeting. This can be done in writing (or email to democracy@fylde.gov.uk) or by telephone to Democratic Services (tel: 01253 658658).
2. When registering, speakers **must** specify which planning application they wish to speak about and whether they are in support or against the application.
3. No speaking is permitted in support of an application, where an application is recommended by officers for approval.
4. An applicant has an automatic right of reply where a public speaker has registered to speak in objection to the application.
5. Only one speaker per household is permitted.
6. All public speakers will be heard at the start of the meeting regardless of where the application is on the agenda.
7. Public speaking is limited to no more than 3 minutes per person.
8. Repetitious statements will not be permitted.
9. If there are a number of people interested in speaking about an application, speakers are encouraged to appoint a spokesperson or ask their ward councillor(s) to represent them.
10. Town, Parish and County Councillors wishing to speak at committee, on behalf of their residents, need to pre-register as above and are limited to three minutes.
11. Ward Councillors should indicate prior to the meeting whether they wish to address the committee and are not limited to three minutes. Ward Councillors are reminded that where they are directly affected by the planning application, this would be considered as having a prejudicial interest and in these cases, they would be limited to three minutes. Members who are unsure whether they have an interest should discuss the matter with the Monitoring Officer at least 24 hours prior to the meeting.

Please note – If, having spoken on an application, the committee decides to defer the application for further information or amendment, speakers will not be permitted to speak again on the application [when it returns to committee] unless it has been significantly amended. In that case, any further opportunity to speak is limited to the amended detail, and not to the application generally.

15.3 Public speaking at the Licensing Committee

The Licensing Act 2003 dictates who can address Licensing Committee and public speaking is limited to those members of the public who have made representations within the prescribed timeframe in regards to a specific license.

Please contact the licensing team for further details licensing@fylde.gov.uk

INFORMATION ITEM

REPORT OF	MEETING	DATE	ITEM NO
RESOURCES DIRECTORATE	AUDIT AND STANDARDS COMMITTEE	18 JANUARY 2018	7
APPOINTMENT OF EXTERNAL AUDITORS FROM 2018/19 FINANCIAL YEAR - UPDATE			

PUBLIC ITEM

This item is for consideration in the public part of the meeting.

SUMMARY OF INFORMATION

Members of the committee are reminded that following a change in legislation, and the cessation of the role of the Audit Commission in the commissioning of Local Authority auditors, the responsibility for the appointment of external auditors will fall to individual councils with effect from the audit of the 2018/19 accounts.

At the Council meeting of 6th February 2017, following a recommendation by this committee, it was agreed that Fylde Council would opt into the national scheme for auditor appointments that would be managed by Public Sector Auditor Appointments Limited (PSAA). By opting into the national scheme the Council would benefit from the efficiencies and economies of scale offered by this approach.

In December 2017 the PSAA confirmed the appointment of Deloitte LLP as the external auditor for Fylde Council for a five year period, commencing with the audit of the accounts for the 2018/19 financial year.

The proposed audit fee levels effective from 2018/19 are currently the subject of a national consultation exercise. The indicative fee levels indicate that savings in total audit fees payable by the Council would be achieved under the revised arrangements. Any savings will be reflected in future updates to the Council's Financial Forecast.

SOURCE OF INFORMATION

Correspondence from Public Sector Auditor Appointments Limited (PSAA).

WHY IS THIS INFORMATION BEING GIVEN TO THE COMMITTEE?

To update members of the committee with respect to the appointment of the External Auditor to the Council from 2018/19.

FURTHER INFORMATION

Contact: Paul O'Donoghue, Chief Financial Officer.
 Tel 01253 658566 e-mail: paul.o'donoghue@fylde.gov.uk

INFORMATION ITEM

REPORT OF	MEETING	DATE	ITEM NO
OFFICE OF THE CHIEF EXECUTIVE	AUDIT AND STANDARDS COMMITTEE	18 JANUARY 2018	8
MID YEAR UPDATE ON THE STRATEGIC RISK REGISTER			

PUBLIC ITEM

This item is for consideration in the public part of the meeting.

SUMMARY OF INFORMATION

This Information item gives a mid-year progress update on the risks contained within the Strategic Risk Register.

There are 5 Strategic Risks for the year 2017/18. 3 of the risks are managed at other committees, but there is some narrative explaining the progress of these risks. The other 2 risks have specific action plans which have been designed to help mitigate the risks.

The action plans and narratives are included in the report.

SOURCE OF INFORMATION

Strategic Risk Management Group – 2 Action Plans and Covering information sheet.

LINK TO INFORMATION

Risk Register & Narrative Update – [Appendix 1 - Risk Register & Narrative Updates](#)

Data Breach Action Plan – [Appendix 2 - Data Breach Action Plan 2017](#)

Commercial and Competitive Action Plan – [Appendix 3 - Commercial & Competitive Appetite Action Plan 2017](#)

WHY IS THIS INFORMATION BEING GIVEN TO THE COMMITTEE?

As per the agreement with the Audit & Standards committee, there will be regular updates on the Risks contained within the Strategic Risk Register.

FURTHER INFORMATION

Contact: Gary Marcus, Corporate Support Officer, 01253 658412



Strategic Risk Register 2017/2018

Identified Strategic Risks

Risk	Risks mitigation method	Monitoring Body	Risk Champion
Data Breaches	Action Plan	SRMG & Reports to Audit Committee	Ian Curtis, Head of Governance
Sea Defence Project	Managed by a Sea Defence, Project Management Board	Development Management	Paul Walker, Director of Development
Commercial / Competitive Appetite	Action Plan	SRMG & Reports to Audit Committee	Allan Oldfield, Chief Executive
M55 Link Road	Managed by a Project Board chaired by Director of Development	Finance and Democracy	Paul Walker, Director of Development
Local Plan	Managed at DM committee	DM Committee	Mark Evans

A six monthly update of the above risk will be reported to Audit and Standards committee. Each Risk Champion is responsible for providing this update. Where an action plan has been developed, an update of the tasks will also be provided to Audit & Standards committee.

Update on the 3 Risks that are managed at other committees

Risk	Monitoring Body	Lead Comments
Sea Defence project	Development Management Committee	<p>A project board made of relevant officers from FBC and the EA together with a member from FBC meets monthly to oversee progress with the contract.</p> <p>The council approved the letting of the contract to deliver the new sea defences at Fairhaven and Church Scar to the value of £19.83m. The Council entered into a contract on the 20th October 2017 with VBA Joint Venture Ltd (VBA). VBA's remit being the design and construction of the scheme in accordance with the Planning Consent and Marine Management Organisation Licence for the scheme.</p> <p>VBA will be commencing site preparation works in December 2017 at Church Scar with Fairlawn Triangle being the location for VBA's main site compound/offices. The works are to start at Seafeld Road and progress towards the interface between Church Scar and Granny's Bay. Works are currently set to then hop over Granny's Bay to Fairhaven. VBA may well use a smaller satellite compound also when it comes to Fairhaven.</p> <p>Communication with the public, business owners and local residents will be led by VBA, who will develop a comprehensive Customer Engagement Plan for the Scheme in conjunction with Fylde Council and the Environment Agency. VBA will also set up a Customer Centre at Fairlawn Triangle and it will be staffed by fully trained Customer Service Coordinators (CSC) at advertised times and feature project visualisations, details of the works programme and literature to describe the benefits of the project. Quarterly newsletters will be posted in local tourism outlets and community facilities and any road or footpath closures will be communicated well in advance through the newsletters and the local media.</p> <p>The completion date for the scheme is the 31st March 2020.</p> <p><i>Paul Walker, Director of Development Services, December 2017</i></p>
The Local Plan	Development Management Committee	<p>On 9th December 2016 the Local Plan and submission documents were submitted to the Secretary of State for Examination in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 Regulations 22(3)(b)and (c). Three hearing sessions, to consider representations made to the plan, were held on 28-30 March, 20-22 June and 12-13 December 2017. The examination hearings have not been formally closed, but it is not anticipated that any further hearing sessions will be</p>

		<p>required. The council will now propose modifications to the plan to address any areas of concern expressed by the inspector which will be presented to the Planning Committee on 17 January 2018. The modifications will be subject to sustainability appraisal and public consultation with any further comments being considered by the Inspector ahead of her issuing a final report which is expected towards the end of May 2018. The plan would then be able to proceed to adoption.</p> <p>The government have consulted on the proposal to remove New Homes Bonus where there is no adopted plan and have decided not to progress this proposal. Therefore, this is no longer a risk.</p> <p><i>Mark Evans, Head of Planning & Housing – December 2017</i></p>
M55 Link Road	Finance & Democracy	<p>A project board made of relevant officers from FBC, LCC and Kensington Developments Ltd EA together with members from FBC and LCC. The MP also attends. It meets approximately every 6 weeks to oversee progress with the project.</p> <p>The project is to accelerate construction of the M55 link road as a single contract ahead of that required to be constructed by the housing developer Kensington Developments Ltd as part of their planning agreement.</p> <p>A consultant has been appointed by KDL to design the road (funded through the repayment of s.106 monies previously paid). LCC are overseeing and checking this work. The scheme has been costed at £25.27m and is in the final stages of design. The table below shows the proposed contributors that make up the total cost. Designs and contract documents are estimated to be completed by February 2018, following which the project will be tendered. Subject to final approvals from each of the funders and tendered costs coming within budget it is currently estimated that construction will start on site in September 2018.</p> <p><i>Paul Walker, Director of Development Services, December 2017</i></p>

TOTAL Current scheme costs	£25.27		
FUNDED BY	£m	Funding status	Comments
Private sector contributions			
Developer (Kensington)	£7.00	Letter of commitment provided	Draft HoTs circulated 18 Oct 17 to be considered at 20 Oct 17 meeting
Local authorities			
Lancashire County Council	£1.70	LCC Cabinet approved funding on 10th August 2017	Position statement draft HoTs considered at 17 March 17 meeting
Fylde Borough Council	£1.00	FBC Full Council approved the principle of contribution on 4th July 2016	Position statement draft HoTs considered at 17 March 17 meeting
Third party contributions			
Lancashire Enterprise Partnership Local Growth Fund	£1.98	Funding agreed subject to a Business Case which demonstrates that the scheme will deliver high value for money	LCC accountable body
Growth and Housing Fund (Highways England)	£4.78	Scheme has progressed to second stage Investment decision expected before the end of the year.	LCC accountable body
National Productivity Investment Fund (Department for Transport)	£5.00		LCC accountable body
Housing Investment Fund (Homes and Communities Agency)	£3.81	Application submitted on 29th Sept 2017, notification due around late November	FBC accountable body
TOTAL	£25.27		

2017/2018 RISK REGISTER

Risk Management Action Plan No: 1

Champion – Ian Curtis

Issue Description	Data Breaches
Corporate Priority	Value for money

EXISTING CONTROLS IN PLACE
<ul style="list-style-type: none"> ✓ Data Assurance Policy ✓ Compulsory iPool Training ✓ Shredding of discarded personal Information ✓ Previous Corporate Training ✓ Website Publishing Hierarchy / Level of Controls ✓ ICT Security Policy ✓ Data Retention Policy ✓ Automatic Screen Lock ✓ Regular Password Updates ✓ Secure print facility / printing reports.

Required action / control	Responsible for action	Critical success factors	Due Dates
Implement recommendations from recent Data Breach	Ian Curtis & Management Team	<input type="checkbox"/> Improve data protection competence and understanding through a programme of training on the principle and practical application of data protection from the level of middle management upwards, with external facilitation to be considered.	March 2018
	Allan Oldfield / Ian Curtis	<input type="checkbox"/> Reinforce confidence in the council as an organisation that is committed to protecting personal information by carrying out a self-assessment of DPA compliance with a view to inviting the ICO to carry out a Data Protection Audit, and by the Chief Executive signing the Personal Information Promise.	September 2017 (Complete)
	Allan Oldfield / Gary Marcus	<input type="checkbox"/> Include a regular item about data protection on the agenda of the Management Team/Middle Managers meeting and continue to include it on the agenda of the Strategic Risk Management Group.	June 2017 (Complete / Ongoing)
	Ian Curtis	<input type="checkbox"/> Amend the council's Data Assurance Policy to make it clear that it is permissible to transfer personal data to countries outside the EEA where an adequate level of protection is in place that would satisfy the eighth data protection principle	September 2017 (Complete)

Hardcopy Information	Allan Oldfield	As a council, there needs be a reduction in the printing of information. This stops the risk of it being left in cars and other areas where the information can be exposed to the wrong people.	March 2018
Training & Education for Staff/Members	Tracy Morrison/ Ian Curtis	Tracy Morrison / Ian Curtis to attend refresher training around Data Protection, possibly on the course in Manchester to which they had previously attended.	December 2017 (Complete)
	Ian Curtis via MDSG	Introduce elected members to Data Protection training. Not all data breaches are electronic. Education around paper data is also advisable.	December 2017 (Event booked for January 2018)
	Allan Oldfield	All Staff to complete mandatory iPool module in relation to Data Protection.	September 2017 (Complete)
Data Cleansing	Management Team	Introduce initiatives to remove information that is no longer needed in conjunction with our Data Retention Policy. The shared drive is full of documents that are out of data, but also there is confidential/contentious information stored in here that other members of staff can see.	September 2017 (Not complete, back on MGT agenda for the new year)
	Corporate Service Team	Champion and police the Data Retention policy. Carry out checks on files and folders to ensure data no longer needed is deleted.	Annual Action Check
All Staff E-mail	Simon Stott	Provide support on removing the 'All Staff' option from appearing automatically when typing 'Al'	June 2017 (Function not removed, but training given on how to stop it – Complete)
How Public Data is stored / displayed	Ian Curtis/Heads of Service	Review storage and display of public information. Some things are stored on the website such as planning applications that contain people's names.	December 2017 (Complete)

2017/2018 RISK REGISTER

Risk Management Action Plan No: 2

Champion – Allan Oldfield, Chief Executive

Issue Description	Appetite for being more Commercial / Competitive
Corporate Priority	Value for money

EXISTING CONTROLS / ACTIVITY IN PLACE	
<ul style="list-style-type: none"> ✓ Leadership board is committed to be 'more commercial' ✓ Maximising existing income streams ✓ Licences/Leases – reviewed ✓ Existing investment / property portfolio ✓ Reviewed by Budget Working Group ✓ Island Working Group 	<ul style="list-style-type: none"> ✓ Self Sufficient Working Group ✓ Specialists looking at the Public Offices ✓ Fresh Approach to Estate management ✓ Advertising and Sponsorship ✓ Parks external trading ✓ External support from Blackpool Council

Required action / control	Responsible for action	Critical success factors	Due Dates
Strategic Approach to be clearly defined with clear vision and objectives	Allan Oldfield & Management Team	A strategy approved that clearly articulates the ambition and appetite for commercial activity at Fylde Council. Comments <i>This will be put before committee in the New Year we waited for the Estates Officer to start and have an input into the strategy.</i>	January 2018
Collate & Analyse economic data to better understand what is possible	Alex Scrivens & Corporate Service Team	Comprehensive data on market demand, segments, growth, forecasts and current trends published, accessible and used to inform commercial decisions. Comments <i>Completed and included to inform strategy above with a lot of data in spreadsheet on general profile of Borough</i>	December 2017 (Complete)
Speak to the LGA to access other case studies and other best practice advice from similar district areas.	Allan Oldfield	Case studies published, shared and best practice options identified for implementing at Fylde. Comments <i>Case studies and Commercial policy elsewhere used to inform strategy – Action compete</i>	October 2017 (Complete)
Utilise the Loans Board to borrow money.	Stephen Smith	Process shared, advertised and supported for Fylde businesses to access the Public Sector Loans Board. Comments <i>This is marketed across Fylde and has been shared with STEP and Lytham Business Partnership. Steve Smith seconded to the team so updates and reminders / reinforce message will be implemented – Action Completed</i>	October 2017 (Complete)

Look into the possibility of ALMO's and other businesses.	Ian Curtis	Shared knowledge and published update on trading company and other service delivery options that are used in service reviews. Comments <i>Still in progress should be completed next month</i>	January 2018
Identify and fill the required skill sets.	Darren Bell	Appointment of appropriate Estates Officer and support staff in Technical Services. Comments <i>Done</i>	September 2017 (Complete)
Liaise with Blackpool Council around their approach and 'cherry pick' the ideas that best suit Fylde.	Stephen Smith / Allan Oldfield	Secondment of officer to Blackpool team and commission support from Blackpool for professional advice on strategy and implementation of a commercial approach for Fylde. Comments <i>Done</i>	July 2017 (Complete)

INFORMATION ITEM

REPORT OF	MEETING	DATE	ITEM NO
OFFICE OF THE CHIEF EXECUTIVE	AUDIT AND STANDARDS COMMITTEE	18 JANUARY 2018	9
BUSINESS CONTINUITY UPDATE			

PUBLIC ITEM

This item is for consideration in the public part of the meeting.

SUMMARY OF INFORMATION

This information will provide the committee with an update of where the council sits in terms of Business Continuity. Since the departure of the former Risk & Insurance Officer, Andrew Wilsdon, there has been a review of the whole Business Continuity Process.

As a council, we have conducted a Business Impact Analysis which highlights the most crucial services we deliver. Plans have been created for these services and the key people know how and when to revert to the plan in the event of a crisis/incident.

As always, the Business Continuity Process will not stand still. There will be regular (annual) testing of the plans with any necessary improvements added to the plans.

SOURCE OF INFORMATION

Business Continuity Plans

Business Impact Analysis

LINK TO INFORMATION

Business Continuity Update Report - [Update on the Business Continuity Process](#)

WHY IS THIS INFORMATION BEING GIVEN TO THE COMMITTEE?

To provide the committee with assurances that the changes relating to the Business Continuity process are being delivered and that ultimately the council is geared up to deal with an incident/crisis if and when one presents itself.

FURTHER INFORMATION

Contact Gary Marcus, Corporate Support Officer, 01253 658412



Update on the Business Continuity Process

Introduction

Business Continuity is becoming more and more important in world of Business and this is no different in the world of Public Sector.

As a council, we deliver a wide range of services that have a positive impact on Fylde and its residents/visitors. Every now and then, incidents occur that prevent some or all of these services being delivered.

As an organisation, it is how we respond to these incidents when they occur that determines how good our Business Continuity Process is.

Last 6 Months

Over the last 6 months, there have been many changes to the Business Continuity Process. We have reviewed and streamlined the policy to make it 'fit for purpose'.

Business Continuity has its own area on the intranet (The Pulse) and the policy is in here for all staff to see.

We have conducted a Business Impact Analysis (BIA) of all the services delivered in the council. The results of this produced 17 services that were identified as our 'Critical Functions'. These are services that have a greater impact on the council or its customers. In the event of an incident/crisis, it is these services that will be prioritised. Once these services are back up and running, work will be done to get the remaining services up and running.

The 17 critical functions are as follows;

Services	Directorate	Plan Owner
ICT	Resources	S. Stott
Finance	Resources	D. Bennett
Cemetery & Crematorium	Development	A. Royston
Waste Services	Resources	S. Wilson
Homelessness	Development	K. Riding
Customer Services	Resources	W. Fisher
Fleet Management	Resources	S. Fulton
Emergency Planning	Resources	C. Hambly
Communications	CEX	A. Scrivens
Revenues & Benefits	Resources	P. O'Donague
Building Control & Enforcement	Development	K. Vernon
Engineering & Coastal Defence	Development	M. Pomfret
HR (Shared Service)	CEX	A. Scrivens
Street Cleansing	Resources	S. Wilson
Licensing	Resources	C. Hambly
Environmental Health & Protection	Resources	C. Hambly
Custodians	Development	P. Downs

As a result of the (BIA), it was agreed that the 17 critical services above would need to have their own Business Continuity Plan created.

Before we were able to create the plans, we had to revise the 'Plan Templates' to ensure they were fit for purpose, ensuring they would provide help to that service in the event of an incident.

The plan templates have been reviewed and all the new plans are on the up-to-date format.

Plan Owners have been identified, it is these people who are responsible for creating/updating the plans linked to their service area.

What next

The whole point of developing Business Continuity plans is use them in the event of an incident/crisis. Over the next 12 months, the next phase of Business Continuity will kick in.

Each year we will carry out 'stress testing' exercises on the plans to ensure they are fit for purpose. We will carry out real life and scenario based testing. Where the plans have a gap, this will be addressed and the plans will subsequently be updated to reflect this.

Our first testing will begin in the summer of 2018.

Once the plans have been tested, this will give us a clearer picture of where our high risks areas are and where new contingency arrangements are needed.

These will then be raised and discussed at the Strategic Risk Management Group.

Summary

Business Continuity isn't about providing 100% of services, 100% of the time. It simply enables us to deliver our critical functions in terms of an incident.

Now that our critical services have been identified and subsequent plans have been created. We will be in a better place to try and deliver our critical functions as and when an incident occurs.

We will not sit back now that the plans have been created, we will continue to test them and improve them. We will also review what our critical services are, developing plans for any new critical function that arrives in the future.

INFORMATION ITEM

REPORT OF	MEETING	DATE	ITEM NO
RESOURCES DIRECTORATE	AUDIT AND STANDARDS COMMITTEE	18 JANUARY 2018	10
REGULATION OF INVESTIGATORY POWERS ACT 2000: AUTHORISATIONS			

PUBLIC ITEM

This item is for consideration in the public part of the meeting.

SUMMARY OF INFORMATION

Councillors are obliged to review the use of covert surveillance and covert human intelligence sources by the council at least quarterly. In the quarter to January 2018, there were no authorised operations.

SOURCE OF INFORMATION

Director of Resources

INFORMATION

1. The Regulation of Investigatory Powers Act 2000 ("RIPA") regulates covert investigations by a number of bodies, including local authorities. It was introduced to ensure that individuals' rights are protected while also ensuring that law enforcement and security agencies have the powers they need to do their job effectively.
2. Fylde Council is therefore included within RIPA framework with regard to the authorisation of both directed surveillance and of the use of covert human intelligence sources.
3. Directed surveillance includes the covert surveillance of an individual in circumstances where private information about that individual may be obtained. A covert human intelligence source ("CHIS") is a person who, pretending to be someone that they are not, builds up a relationship of trust with another person for the purpose of obtaining information as part of an investigation.
4. Directed surveillance or use of a CHIS must be authorised by the chief executive or a director and confirmed by a Justice of the Peace. All authorisations are recorded centrally by the Head of Governance.
5. This is the required quarterly report on the use of RIPA. The information in the table below is about authorisations granted by the council during the quarter concerned.

Quarter	Directed surveillance	CHIS	Total	Purpose
21 September 2017 – January 2018	0	0	0	

Figures correct when report published. Officers will verbally update members if the figures have changed by the date of the meeting.

WHY IS THIS INFORMATION BEING GIVEN TO THE COMMITTEE?

Regulations under the Regulation of Investigatory Powers Act 2000 ("RIPA") require councillors to consider a report on the use of RIPA at least quarterly.

FURTHER INFORMATION

Contact Ian Curtis on 01253 658506 or at ianc@fylde.gov.uk.