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NOTICE OF MEETING

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CORPORATE OVERVIEW & SCRUTINY PANEL

will meet on

MONDAY, 27TH JULY, 2020

At 5.00 pm

by

VIRTUAL MEETING - ONLINE ACCESS RBWM [YOUTUBE](#)

TO: MEMBERS OF THE CORPORATE OVERVIEW & SCRUTINY PANEL

COUNCILLORS LYNNE JONES, JULIAN SHARPE, CHRIS TARGOWSKI (CHAIRMAN),
LEO WALTERS (VICE-CHAIRMAN) AND SIMON WERNER

SUBSTITUTE MEMBERS

COUNCILLORS PHIL HASELER, GEOFF HILL, JOSHUA REYNOLDS,
SHAMSUL SHELM AND JOHN STORY

Karen Shepherd – Head of Governance - Issued: 17th July 2020

Members of the Press and Public are welcome to attend Part I of this meeting. The agenda is available on the Council's web site at www.rbwm.gov.uk or contact the Panel Administrator **Mark Beeley** 01628 796345

Recording of Meetings – In line with the council's commitment to transparency the Part I (public) section of the virtual meeting will be streamed live and recorded via Zoom. By participating in the meeting by audio and/or video, you are giving consent to being recorded and acknowledge that the recording will be in the public domain.

If you have any questions regarding the council's policy, please speak to Democratic Services or Legal representative at the meeting.

AGENDA

PART I

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2.	<u>DECLARATIONS OF INTEREST</u> To receive any declarations of interest.	5 - 6
3.	<u>MINUTES</u> To consider the minutes from the meeting held on 27 th May 2020 and the Part I minutes from the meeting held on 15 th June 2020.	7 - 18
4.	<u>CIPFA REPORT</u> To consider the report and make comments for consideration by Cabinet.	19 - 68
5.	<u>WORK PROGRAMME</u> To consider the Panel's work programme for the remainder of the Municipal year. To include consideration of items scheduled on the Cabinet Forward Plan .	69 - 70
6.	<u>LOCAL GOVERNMENT ACT 1972 - EXCLUSION OF THE PUBLIC</u> To consider passing the following resolution:- "That under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the remainder of the meeting whilst discussion takes place on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 1-7 of part I of Schedule 12A of the Act."	-

PART II - PRIVATE MEETING

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MEMBERS' GUIDE TO DECLARING INTERESTS IN MEETINGS

Disclosure at Meetings

If a Member has not disclosed an interest in their Register of Interests, they **must make** the declaration of interest at the beginning of the meeting, or as soon as they are aware that they have a DPI or Prejudicial Interest. If a Member has already disclosed the interest in their Register of Interests they are still required to disclose this in the meeting if it relates to the matter being discussed.

A member with a DPI or Prejudicial Interest **may make representations at the start of the item but must not take part in the discussion or vote at a meeting.** The speaking time allocated for Members to make representations is at the discretion of the Chairman of the meeting. In order to avoid any accusations of taking part in the discussion or vote, after speaking, Members should move away from the panel table to a public area or, if they wish, leave the room. If the interest declared has not been entered on to a Members' Register of Interests, they must notify the Monitoring Officer in writing within the next 28 days following the meeting.

Disclosable Pecuniary Interests (DPIs) (relating to the Member or their partner) include:

- Any employment, office, trade, profession or vocation carried on for profit or gain.
- Any payment or provision of any other financial benefit made in respect of any expenses occurred in carrying out member duties or election expenses.
- Any contract under which goods and services are to be provided/works to be executed which has not been fully discharged.
- Any beneficial interest in land within the area of the relevant authority.
- Any licence to occupy land in the area of the relevant authority for a month or longer.
- Any tenancy where the landlord is the relevant authority, and the tenant is a body in which the relevant person has a beneficial interest.
- Any beneficial interest in securities of a body where:
 - a) that body has a piece of business or land in the area of the relevant authority, and
 - b) either (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body **or** (ii) the total nominal value of the shares of any one class belonging to the relevant person exceeds one hundredth of the total issued share capital of that class.

Any Member who is unsure if their interest falls within any of the above legal definitions should seek advice from the Monitoring Officer in advance of the meeting.

A Member with a DPI should state in the meeting: ***'I declare a Disclosable Pecuniary Interest in item x because xxx. As soon as we come to that item, I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'***

Or, if making representations on the item: 'I declare a Disclosable Pecuniary Interest in item x because xxx. As soon as we come to that item, I will make representations, then I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'

Prejudicial Interests

Any interest which a reasonable, fair minded and informed member of the public would reasonably believe is so significant that it harms or impairs the Member's ability to judge the public interest in the item, i.e. a Member's decision making is influenced by their interest so that they are not able to impartially consider relevant issues.

A Member with a Prejudicial interest should state in the meeting: ***'I declare a Prejudicial Interest in item x because xxx. As soon as we come to that item, I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'***

Or, if making representations in the item: 'I declare a Prejudicial Interest in item x because xxx. As soon as we come to that item, I will make representations, then I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'

Personal interests

Any other connection or association which a member of the public may reasonably think may influence a Member when making a decision on council matters.

Members with a Personal Interest should state at the meeting: ***'I wish to declare a Personal Interest in item x because xxx'. As this is a Personal Interest only, I will take part in the discussion and vote on the matter.***

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Public Document Pack Agenda Item 3

CORPORATE OVERVIEW & SCRUTINY PANEL

WEDNESDAY, 27 MAY 2020

PRESENT: Councillors Lynne Jones, Julian Sharpe, Chris Targowski, Leo Walters and Simon Werner

Also in attendance: Councillors John Baldwin, Gurpreet Bhangra, David Hilton, Helen Price and Samantha Rayner

Officers: Mark Beeley, Nikki Craig, Fatima Rehman, Mary Severin, Duncan Sharkey, Adele Taylor, Ruth Watkins, Simon Arthur, David Scott, Jonathan Gooding (Deloitte), Aron Kleiman (Deloitte) and David McConnell (Deloitte).

ELECTION OF CHAIRMAN AND VICE CHAIRMAN

Cllr Sharpe nominated Cllr Targowski to be Chairman, which was seconded by Cllr Walters.

RESOLVED UNANIMIOUSLY; That Cllr Targowski would be Chairman of the Corporate Overview and Scrutiny Panel for the municipal year 2020/21.

Cllr Werner nominated Cllr L Jones to be Vice Chairman, which was seconded by Cllr L Jones.

Cllr Walters nominated himself to be Vice Chairman, which was seconded by Cllr Targowski.

As two nominations for Vice Chairman had been received, a named vote was taken.

Resolved: That Cllr Walters would be Vice Chairman of the Corporate Overview and Scrutiny Panel for the municipal year 2020/21.

APOLOGIES FOR ABSENCE

None.

DECLARATIONS OF INTEREST

Cllr Sharpe declared an interest as he was Chairman of the Berkshire Pension Fund.

MINUTES

The minutes of the meeting held on 4th February 2020 were confirmed as a true record, provided the following amendment was made:

- Cllr Werner asked that it was clarified he expressed concern about parking charges across the borough, not only in Windsor as previously stated.

Cllr L Jones asked about the Working Boys Club and whether more information had been provided to the Trustees Cabinet. David Scott, Head of Communities, said that he received a detailed fund report and would be able to circulate a simplified version of the report if needed.

Cllr L Jones also asked about the highways audit. Mark Beeley said that the highways audit had been put on hold due to the ongoing health crisis but once the audit was completed the Task and Finish group would be scheduled.

EXTERNAL AUDIT PLAN 2019/20

A member of the public had requested to speak on the item. Mr Hill said that 2018/19 final audit had missed the statutory deadline for publication by around ten months, and asked:

- Why it was not published when received last December?
- Why it was not returned to this panel as agreed would happen in November's meeting?
- Why it had not been sent to/returned by any of the mandatory consultees?

He expressed a number of concerns about issues identified in the 2018/19 final audits, including:

- £1m of unreconciled bank accounts
- £40.3m misstatement due to the use of out-of-date mortality tables
- £34.2m misstatement in respect of an American convertible bond

Mr Hill asked the committee if it was satisfied with the robustness of verbal declarations of interest when significant investments were at stake. He asked Deloitte whether they considered the facts they had uncovered constituted materially significant poor advice or governance, and if so had they reported it to the Pensions regulator?

Jonathan Gooding, Deloitte, explained that the audit set out the scope of their work. The audit considered risk assessment and whether RBWM had the appropriate measures in place to control issues or risks. There were significant weaknesses that had been identified in the Pension Fund, but recommendations had been made and a review had been commissioned.

Aron Kleiman, Deloitte, further explained the External Audit Plan 2019/20. The first significant property risk was set out on p.12 of the Plan, with one fifth of the property portfolio being revalued. Deloitte Real Estate specifically looked at the valuations, methodology and arrive at a conclusion on their findings. There were some significant risks in the audit plan, but management and officers at RBWM had taken on board some of the findings and was doing things to mitigate these risks. The national deadline for the accounts to be published had been extended from July to the end of November 2020, but there was confidence that the majority of the accounts would be delivered in June and July 2020.

The Chairman asked if the risks listed on p.3 of the plan were risk triggers and if officers were happy with new deadline.

Jonathan Gooding said that there was a presumption that management would override controls. There was a consistency across all local authorities and the audit identified any significant capital spend as a risk.

Adele Taylor, Director of Resources, said that they were trying to stick to the original deadline as there was other things later in the year that resources would need to be focussed on.

Cllr Werner asked if RBWM was more at risk financially than it had been in the past. He asked Cllr Hilton for assurance that RBWM was dealing with the worrying obstacles that had been detailed in appendix 4 of the Plan.

Jonathan Gooding said that the risk of misstatements was the focus in this report. Last year was the first year that Deloitte had been involved with the audit. There had been issues raised with officers and these issues would not recur. He said that there had been good engagement from RBWM.

Cllr Hilton said that there was a change of auditor for all councils. He said that there had been issues at the start in terms of the supply of data that RBWM was able to give to the auditors and how they inputted it into their system. The audit took a long time to complete but it was a learning process and Cllr Hilton believed that it had improved governance as a result.

Cllr Werner asked Cllr Hilton if he was confident that issues from last year had now been solved.

Cllr Hilton said that he could not guarantee that there were no issues, but said that problems of the past had been taken on board.

Cllr L Jones asked if there would be a progress report on the value for money issues and what has been done to address them. She also asked about the impact of Brexit on the audit.

Jonathan Gooding said that they had identified significant risks and followed up on areas which needed more focus. On Brexit, it would depend what arrangements are in place.

Cllr Price asked if the Panel had seen and signed off the final version of the 18/19 audit. The Chairman explained that the draft version had come to the Panel in November and delegated authority was agreed to sign off the audit, provided there were no materially significant changes. He said that this would be checked with officers.

David McConnell, Deloitte, set out the Pension Fund part of the Audit Plan. He said that Covid-19 has had a significant impact on how the audit would be conducted. On p.12, there had been some changes to the risk assessments, with two risk areas outlined. He said that the Panel would be updated if any area of the Pension Fund was regarded as a significant risk.

Cllr Werner asked what the scope of the review was.

David McConnell said that all pension funds are reviewed every three years, with the size of the fund and the impact it would have being important. RBWM was managing on behalf of other authorities as it was the host of the Berkshire Pension Fund.

Cllr Werner further asked if the deficit was forecast to get worse.

Adele Taylor said that pension funds were different investments and were less susceptible to interest rate rises in the way that shorter term investments may be. They also could not be sure of the impact that Covid-19 would have on the scheme at this stage as markets were volatile but this was an area that was kept under review.

Cllr L Jones asked if officers would be able to provide a briefing to Members before they considered the audit report in future.

Duncan Sharkey, Managing Director, agreed that it was good idea and something that could be looked into.

Cllr Sharpe if the auditors had a different perspective on the risks present in the Pension Fund.

David McConnell said that he was not able to comment on previous years as a comparison but they had identified the significant risks that were part of the current Pension Fund.

Cllr Price asked if the poor advice given was materially significant and whether a report had been made to the Pension regulator.

Jonathan Gooding said that Deloitte had not made a report to the Pension regulator but had made recommendations around the weaknesses of the Pension Fund and this would be followed up in this year's audit.

Cllr Tisi asked how aggressive the core actuarial assumptions were. She was told that an answer could not be provided just yet, but the issue would be assessed once the audit was complete which would be by the end of the summer.

ANNUAL GOVERNANCE STATEMENT PROGRESS REPORTS

Nikki Craig, Head of HR, Corporate Projects and IT, introduced the item. She explained that the Panel had requested updates on progress from the Annual Governance Statement from last year, with this update providing information on a number of different areas. The areas included Health and Safety, Monitoring Officer Resources, PSN Compliance, Vision and Purpose for the Organisation and Business Continuity Plans.

- Health and Safety – Council buildings across the borough had been tested to ensure they met the required standards. School fire checks for compartmentalisation had been started although due to Covid had been paused but it was hoped this would be completed by the summer.
- Vision and Purpose – RBWM had recently refreshed its values after a series of workshops held with all employees and Members. The draft values had been presented and feedback was sought on them, with an aim to have the final values ready in the summer.
- Monitoring Officer Resources – RBWM had been able to double the time available from two to four days a week, which would allow the Monitoring Officer more time to carry out their work.
- Business Continuity Plans – the council was part of a joint emergency planning team which was hosted by West Berkshire Council. All services were looked at as part of the plans and there had been a significant step up due to the current crisis. The plans would be refreshed during the recovery phase.
- PSN Compliance – As this involved sensitive information, this part of the Progress Report would be discussed in the Part II meeting.

The Chairman asked if the Health and Safety side of things was becoming more aligned with the current situation, especially as risk assessments would be required for offices whereby recent staffing levels were not as usual. Nikki Craig confirmed that the appropriate checks were being carried out including legionella and fire alarm tests.

Cllr Werner asked how long it would be before appropriate resources were in place to support the Monitoring Officer in her role.

Duncan Sharkey explained that this was something that had been flagged up last year and as a response the council now had two deputy monitoring officers. The level of resource available would not stop the challenge, and said that the Monitoring Officer had sufficient resources.

Cllr Werner further said that every eventuality could not be prepared for and questioned how useful the business continuity plans were.

Duncan Sharkey explained that RBWM had business continuity plans which were focussed on a loss of capacity in a certain area, and that emergency planning had considered the impact of a virus and these had been useful in recent months. However, the uniqueness of Covid was different to what was expected and it was therefore hard to plan for every virus eventuality. David Scott said that continuity plans were designed to be generic so that they cover as many possibilities as possible, the response from RBWM showed that the plans had been developed well.

Nikki Craig said that the success and timing of the Modern Workplace Project phase 1 had been particularly important and RBWM would be in a completely different position without it. The Panel thanked the IT team and everyone involved with the project for the good job that they had done so far.

Cllr L Jones asked if there had been any other issues identified since the last Annual Governance Statement.

Duncan Sharkey said that work was always happening to update the Annual Governance Statement, with the next one due to come to the Panel at the next meeting.

Cllr Sharpe asked what RBWM had learnt from the current situation and whether the council were in a good position to deal with future emergencies.

Nikki Craig said that they had utilised the joint emergency planning team and that the Business Continuity Plans had been able to step up services effectively during the crisis.

CODE OF CORPORATE GOVERNANCE

Mary Severin, Monitoring Officer, explained that the Code of Corporate Governance was the underpinning of local governance and provided the basis for the Annual Governance Statement.

Cllr Werner asked if the document contained all the information that it needed to contain and if it would stop what had happened in the past. Mary Severin said that it was a fresh start but they still needed to work on the Annual Governance Statement and comply with all the necessary CIPFA requirements. She explained that the main basis of corporate governance was to set RBWM up in the right way.

Duncan Sharkey said that the code was about processes and policies and was a framework of how RBWM wanted to do things. Flags should be there to stop bad governance from occurring, but it would not stop all things from going wrong.

Cllr Sharpe asked how different would RBWM feel with this governance in place, especially as good governance was about ensuring that the right thing is done. Mary Severin said that it provided a good framework to follow, particularly where some had not been aware of good governance in the past.

Cllr Price said that she wanted to see RBWM as a learning organisation that would recognise its own mistakes. Duncan Sharkey said that it was a legal framework and was the overarching principles in the constitution, where RBWM could benchmark it would look to do so.

ANNUAL SCRUTINY REPORT

The Annual Scrutiny Report had been drafted by the Panel and was due to go to Full Council in July.

The Panel agreed that the report would be finalised and agreed offline before it was taken to the June Panel where it would be confirmed.

WORK PROGRAMME

The Chairman suggested only having items that the Panel needed to cover, while also suggesting that another meeting of the Panel could be organised between September and January.

Cllr Werner said that the Panel needed to deal with finance and that a financial update should come to every Corporate meeting.

The Chairman said that there was an opportunity for members to attend Cabinet where financial updates were considered.

Cllr Jones agreed with Cllr Werner and said there should be a financial update brought to Corporate every two months, otherwise it was just becoming an audit panel. She commented that the Task and Finish group on Highways had not yet taken place.

The Chairman said that the Panel works well in reviewing audit and the Task and Finish group was yet to take place because the highways contract audit had yet to take place due to Covid-19.

Cllr Sharpe said that some items should be shifted from June to July in order to balance the two agendas more evenly.

Cllr Werner said that a group could be created to look specifically at financial updates and there could also be a sub-committee of the Panel to look at the audit reports. Cllr Jones said that the audit function should be outside the Panel and Cabinet.

The Chairman said that he would look at the Work Programme and would ensure that members of the Panel were informed of discussions.

LOCAL GOVERNMENT ACT 1972 - EXCLUSION OF THE PUBLIC

RESOLVED UNANIMOUSLY; That under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the remainder of the meeting whilst discussion takes place on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 1-7 of part I of Schedule 12A of the Act.

The meeting, which began at 6.15 pm, finished at 9.00 pm

CHAIRMAN.....

DATE.....

CORPORATE OVERVIEW & SCRUTINY PANEL

MONDAY, 15 JUNE 2020

PRESENT: Councillors Lynne Jones, Julian Sharpe, Chris Targowski (Chairman), Leo Walters (Vice-Chairman) and Simon Werner

Also in attendance: Councillors John Baldwin, Christine Bateson, Gurpreet Bhangra, Simon Bond, David Cannon, David Hilton, Andrew Johnson, Shamsul Shelim and Helen Taylor

Officers: Mark Beeley, Nikki Craig, Fatima Rehman, David Scott, Duncan Sharkey, Karen Shepherd, Adele Taylor and Aron Kleiman (Deloitte)

APOLOGIES FOR ABSENCE

There were no apologies for absence.

DECLARATIONS OF INTEREST

No declarations of interest were received.

MINUTES

Comments had been received by Councillor Price and Andrew Hill, who was a public speaker at the previous meeting. It was agreed that the changes would be made to the minutes and the amended minutes would be brought back to the Panel in July for final approval.

ANNUAL GOVERNANCE STATEMENT 2019/20

Mr Hill had requested to speak on this item as a member of the public. He asked for assurances of good governance and asked how he could have confidence in the statement. Mr Hill pointed out that the Managing Director had not received the report, according to the consultee table. The recent Cabinet decision taken on allowing residents with Advantage Cards to benefit from free parking for a limited time was questioned. Mr Hill said that the Director of Resources at RBWM had said that the budget for this decision had not been fully costed, but Cabinet voted for the decision regardless. He concluded by asking if the Panel was happy with verbal declarations of interest.

Karen Shepherd, Head of Governance, explained that the statement was currently in draft version and included recommendations to the council to ensure appropriate corporate governance systems and controls were in place. All members of the Corporate Leadership Team had been consulted on the statement. An action plan formed part of the statement which showed areas where compliance could be improved, with each action being assigned a responsible officer. Progress reports had been requested by the Panel last year and these would continue to be brought to future meetings.

The Chairman said that it was much better compared to the statement last year. Areas for improvement had a good level of detail and allowed officers to have a grasp of what needed to be improved. He asked if training and development could be offered to improve governance.

Karen Shepherd said that training was constantly evolving in light of the Covid-19 situation and that they were currently looking at options available for virtual training sessions. Free online training was available, with details of this being sent to all Members. Specific chairing skills training had also taken place which had been successful especially now that chairing an

online meeting required a different approach. Nikki Craig, Head of HR, Corporate Projects and IT, said that they were now holding induction training for new employees at RBWM online. Checks with external training providers was taking place, and in many cases this was now taking place online.

Councillor Werner said that the statement was all about giving assurance to the public. He said that the section 151 Officer's advice had been ignored in regard to the Cabinet decision made about parking charges. Councillor Werner asked if decisions would be dealt with properly and when governance changes would be seen.

Duncan Sharkey, Managing Director, said that the statement reviewed the framework of governance that was currently in place. There had been problems in the past but improvements were being made to the framework. The report showed the areas that needed to be addressed and the progress reports would show the improvements that were being made.

Adele Taylor, Director of Resources, clarified the comments that had been raised by Mr Hill and Councillor Werner. She said that finance had not yet been identified for the decision that Cabinet had taken. However, she said that councillors make decisions based on advice provided by officers.

Councillor Jones asked about the customer satisfaction figures in the report when, as far as she was aware, no survey had been undertaken since the end of 2018. There was a higher code of conduct workload, she asked why this was, and that culture of the organisation was an important factor. She queried if all the actions in the action plan were achievable in the time limit?

Duncan Sharkey said that culture was about the way people behave. A corporate draft set of values had been created along with an action plan and it was important that everyone in the organisation accepted these values. Improvements to capacity would be looked at if needed but this would be done to ensure that taxpayers' money was used as efficiently as possible and would be something looked at in the budget setting process.

In her role as Deputy Monitoring Officer, Karen Shepherd confirmed that there had been a high number of code of conduct complaints, particularly related to activity on social media. However, many of the complaints did not reach the level required to be investigated.

Councillor Jones asked why the customer satisfaction was described as 'very high' seeing as the data was outdated. Duncan Sharkey said that 2018 was the last time a full survey was done and the statement this year was based on compliments and complaints data.

Councillor Jones said that she would like the wording of the statement amended to reflect this. Duncan Sharkey agreed to consider amending the wording.

Councillor Sharpe said that the statement was far better than had been done in the past and it clearly highlighted the problems. The statement showed that RBWM was moving in the right direction.

Duncan Sharkey commented that it was obvious when things were not working, but less obvious when it was. There was continued improvement each year and he gave assurance that it was moving in the right direction.

Councillor Werner commented that he believed RBWM did not have the resources in place for good governance, and asked which areas were lacking in resources. Duncan Sharkey said that more information would be in the budget later in the year, but additional short term capacity had been brought in, this would be reviewed to see if it was needed long term too.

Councillor Walters commented that there had been improvements.

The Chairman asked Panel Members what progress reports they wanted to see brought to meetings in future.

Councillor Werner said that there should be a focus on the financial side and decision making, with an overview on everything else.

Councillor Jones requested that capacity issues and finance were the priorities that should be looked at.

Duncan Sharkey suggested waiting until after the CIPFA report was published before making a decision, as the Panel may wish to take into account its findings. The Chairman agreed that this was a sensible approach.

Councillor Hilton, Lead Member for Finance and Ascot, asked why for equality impact assessments it stated "if appropriate". Karen Shepherd explained that the standard report template included a section on equalities. The report author would be responsible for undertaking an equality impact assessment. Councillor Rayner, Deputy Leader of the Council, Resident & Leisure Services, HR, IT, Legal, Performance Management & Windsor, said that it was part of the process that the EQIA had to be considered as part of the report.

RESOLVED UNANIMOUSLY: That the Corporate Overview and Scrutiny Panel notes the report and:

- i) Considers the draft 2019/20 AGS, identifying any specific matters which should be brought to the attention of Council or Cabinet;**
- ii) Recommends the 2019/20 AGS to the Leader of the Council and Managing Director for signature and publication with the council's Statement of Accounts.**
- iii) Requests that update reports be provided to the Panel summarising progress in achieving the governance action plan on those areas identified as requiring action in the Corporate Action Plan.**

COVID RISK REGISTER *PLEASE NOTE - THIS ITEM WILL NOW BE CONSIDERED IN THE PART II MEETING*

It was noted that when the agenda was published, this was on the Part I agenda. However, this item would now be discussed in Part II.

Councillor Werner asked why it was now being considered in Part II. He was told that there were elements to the register that were confidential but the presentation was Part I.

The Chairman agreed that the item would be discussed in Part II and reviewed so that if it could be released in Part I then it would be.

Q4 PERFORMANCE REPORT

Nikki Craig explained the background to the Performance Report. She said that the data came twice a year. In Appendix A, 9 out of 13 indicators were green, 4 were amber and 4 were red. The appendix set out the details for those indicators that were red and explained why these areas were not performing as expected.

The Chairman asked if the data had ended in February, and was therefore looking at what RBWM was like pre-Covid. Nikki Craig said that she believed the data was up until the end of March. She explained that March was the lowest month of the year for digital interactions, very

similar to December levels. Adele Taylor said that as the data included March there would be some impact from Covid.

Councillor Walters commented on the collection of business rates and that it was good that businesses in the borough had been given a business rate holiday. Adele Taylor explained that they were close to the target of business rate collection.

Councillor Werner asked about the housing figure particularly how inconsistent it was, and said that the council tax collection figure was much better this year than it was this time last year. Adele Taylor explained that the housing figure was never going to be flat, with changing circumstances common in different months of the year. With council tax, many residents chose to pay by direct debit while they had not seen too many business changing their direct debits over the last few months.

Councillor Jones asked if measures would be carried over to next year and asked if it was possible to see the targets as well as the actuals so that it would be clear where the issues are.

Councillor Sharpe asked how RBWM was doing compared to other local authorities. Duncan Sharkey responded by explaining that there was no national dataset and comparisons were used to set targets. Benchmarks on a national scale were usually set once a year. Councillor Werner said that finding and compiling this data could be a waste of officers time.

Councillor Rayner said that there were national comparisons and RBWM was a top performer, however not all councils measured things in the same way.

RESOLVED UNANIMOUSLY: That the Corporate Overview and Scrutiny Panel notes the report and:

- i) Notes the 2019/20 Corporate Overview and Scrutiny Panel Q4 and End of Year Performance Report in Appendix A.**
- ii) Requests relevant Lead Members, Directors and Heads of Service to maintain focus on improving performance.**

ANNUAL SCRUTINY REPORT

The Chairman thanked Councillor Jones for her contributions to the Annual Scrutiny Report. He said that there was a review of the audit and scrutiny function that would be coming to Full Council in July, and asked for the Panel's thoughts.

Councillor Jones said that a large proportion of the work programme was to do with audit and they did not have a lot of time to look at other things. Audit was a separate function that was designed to look back, while scrutiny was about looking forward.

The Chairman agreed and said that the Panel was performing its audit function well but not scrutiny.

Councillor Jones suggested that the Panel should recommend that there is a split as both functions should be given equal time. Councillor Werner agreed and said that he would like to see a recommendation go to Council for a split.

Councillor Sharpe said that the Panel was originally scheduled to have four meetings, but this number almost doubled over the course of the year. He suggested that some meetings could be reserved for audit and some for scrutiny.

Councillor Jones and Councillor Werner said that they wanted to see two separate Panels for audit and scrutiny, and that this was recorded as a minority comment.

Duncan Sharkey said that it would be delegated to the Head of Governance who would look at it and bring a report back to Council.

The Chairman said that he would work with Panel members to work out what recommendation they would be putting forward in July.

WORK PROGRAMME

The Chairman suggested an extra meeting be added in the Work Programme in October or November.

Councillor Werner said that he wanted to see the financial update come to the Panel every couple of months. The Chairman said that the CIPFA report would be coming to the Panel in July and that the financial update could be heard at meetings of Cabinet.

Councillor Jones believed that Cabinet was completely different to Overview and Scrutiny, and wanted to hear Panel members views. She asked about the Key Risk Report being on the Work Programme two meeting in a row.

Mark Beeley, Democratic Services Officer, explained that the item had originally been due to come to the Panel in April, but this meeting had been cancelled. Due to the small timeframe between the July and September meetings, the report would be dropped from the September meeting.

Councillor Jones further asked about the highways contract outsourcing task and finish group. The Chairman said that they would have a look at getting this started soon. Adele Taylor confirmed that the highways audit was still being finalised.

The Chairman asked for the Corporate Transformation Paper to be put on the programme for the meeting in October/November.

LOCAL GOVERNMENT ACT 1972 - EXCLUSION OF THE PUBLIC

RESOLVED UNANIMOUSLY; That under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the remainder of the meeting whilst discussion takes place on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 1-7 of part I of Schedule 12A of the Act.

The meeting, which began at 6.15 pm, finished at 9.00 pm

CHAIRMAN.....

DATE.....

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Report Title:	CIPFA REVIEW OF GOVERNANCE – RESPONSE TO THE FINAL REPORT AND DEVELOPMENT OF AN ACTION PLAN
Contains Confidential or Exempt Information?	Part I – Main Report, Part II - Appendix 4 - (Not for publication by virtue of Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972).
Lead Member:	Councillor Hilton, Lead Member for Finance and Ascot
Meeting and Date:	Corporate Overview and Scrutiny Panel 27 July 2020
Responsible Officer(s):	Adele Taylor, Director of Resources
Wards affected:	None

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REPORT SUMMARY

1. CIPFA (Chartered Institute of Public Finance and Accountancy) undertook a review of governance during 2019 and early 2020. They published their full report in June 2020 and this was presented to Cabinet in June.
2. CIPFA identified a wide range of issues that need to be considered by the Authority. Many changes have already been implemented during the course of the review.
3. Following a request from Cabinet, officers have prepared a draft action plan to ensure the Authority identifies appropriate actions to resolve remaining, outstanding issues.
4. Corporate Overview and Scrutiny Panel is being asked to review that draft action plan and provide comments to the Cabinet on the suitability of the actions and whether there are any additions or other recommendations they wish Cabinet to consider.

1. DETAILS OF RECOMMENDATION(S)

RECOMMENDATION: That Corporate Overview and Scrutiny Panel review the report and:

- i) **Provide commentary on the Report and Action plan for July Cabinet meeting to consider the proposed actions**
- ii) **Agree that a quarterly progress report be considered by the appropriate committee or panel**

2. REASON(S) FOR RECOMMENDATION(S) AND OPTIONS CONSIDERED

Options

Table 1: Options arising from this report

Option	Comments
Provide commentary on the report and action plan for July Cabinet meeting This is the recommended option	This will allow the Authority to continue to make improvements and learn lessons from the CIPFA Review.
Provide no commentary on the report and action plan for July Cabinet	The Panel will have failed to undertake its role in scrutinising the actions of the council.

3. KEY IMPLICATIONS

3.1 CIPFA were engaged by the Council to consider some apparent issues with governance and financial management during 2019. They initially reported on their findings in December 2019 and have now followed up with a more detailed report.

3.2 This report contains a significant number of issues for the Authority to address. Whilst many issues have been resolved there are still a small number to be concluded.

3.3 In summary CIPFA found:

- a lack of financial transparency and Medium Term Financial Planning over a number of years.
- a poor officer culture and lack of physical capacity and capability coupled with dominant Members. This led to a lack of appropriate challenge or recognition that challenge is a good thing.
- poor standards of financial capacity and capability within the financial support services.
- little differentiation between officer and senior member roles and responsibilities.
- several issues relating to financial governance.
- an unacknowledged and unreported poor culture including limited understanding of governance.

3.4 In developing the action plan, there are three main sections of the CIPFA report that have provided the basis upon which actions have been determined, these are sections 6, 7 and 8 of their main report. The report is included as an Appendix to this report for ease of reference.

3.5 Appendix 1 separately identifies all of the issues that CIPFA highlighted in their report that have already been addressed. This ensures that there is full transparency of progress to date. Although those items have been addressed, continued focus on some areas has been identified. Whilst no

specific actions are associated with them it will be the responsibility of the Director of Resources and S151 Officer and the Head of Finance to ensure that continued focus remains on these areas and these are highlighted in that appendix. This will include ensuring that we have suitably qualified, experienced and skilled staff to support financial governance and must include a focus on maintaining continuous professional development so that we remain compliant in all technical finance areas.

- 3.6 The proposed action plan for those actions that need to be addressed is contained at Appendix 2 and the Overview and Scrutiny Panel are asked to consider whether there are areas where they would like Cabinet to consider additional actions or any changes to the plan.
- 3.7 It is important that delivery of the action plan remains transparent and officers recommend that the appropriate committee or panel are asked to review progress against the action plan on a quarterly basis. If any concerns are raised about non-delivery or they do not feel adequate progress has been made they could then refer the matter on to Cabinet.
- 3.8 It is important to note that an underlying theme that runs through the whole of CIPFA's report relates to the culture that existed within RBWM that allowed weaknesses in governance to not be challenged. Alongside the immediate steps that were taken in 2019/20 to address some of the most pressing and urgent governance issues, a programme to review the values and behaviours that we want to operate with as an Authority was developed.
- 3.9 Ensuring that the proposed action plan is implemented is only one part of improving our governance. Committing time and energy to refresh our values and behaviours plays just as important a role in ensuring that these changes can be fully embedded at RBWM and although this proposed action plan does not specifically address this issue, the delivery of the outcomes we expect will be integral to demonstrating our commitment to these values.
- 3.10 A separate report on the Values and Behaviours of the council will be considered at Cabinet on 30 July 2020.
- 3.11 The proposed action plan includes a column "What Success will look like". This is a measure of what impact we should expect to see from delivery of the plan and how we can demonstrate that the implementation of the recommended changes will have made a difference to the way in which we operate.

4. FINANCIAL DETAILS / VALUE FOR MONEY

- 4.1 Whilst the report details a number of financial and value for money issues there are no direct financial implications of the recommended decision and action plan. It is expected that any actions arising will be contained within existing resources or will be considered as part of the overall council budget setting process for 2021/22.

5. LEGAL IMPLICATIONS

- 5.1 The Authority is a creature of statute and must obey legislation, act within the guidance and regulations issued and ensure probity and compliance with ethical behaviour. The report highlights a number of issues of governance that demonstrate the Authority has not lived up to the standards required.
- 5.2 For legal reasons, relating to a contractual agreement, an element of the CIPFA report (part of section 2.34 is redacted and presented in appendix A, which will be considered in Part II of the meeting if it is required).

6. POTENTIAL IMPACTS

- 6.1 Equalities.

There are no implications arising from the recommendation.

- 6.2 Climate change/sustainability.

There are no implications arising from the recommendation.

- 6.3 Data Protection/GDPR.

There are no implications arising from the recommendation.

7. APPENDICES

- 7.1 This report is supported by four appendices:

- Appendix 1 - Completed Actions
- Appendix 2 - Proposed Action Plan
- Appendix 3 - CIPFA report
- Appendix 4 - CIPFA report Appendix A (Part II)

8. BACKGROUND DOCUMENTS

- 8.1 None identified.

9. CONSULTATION (MANDATORY)

Name of consultee	Post held	Date sent	Date returned
Cllr David Hilton	Lead Member for Finance and Ascot	14/07/20	15/07/20
Cllr Andrew Johnson	Leader of the Council	14/07/20	15/07/20
Duncan Sharkey	Managing Director	14/07/20	
Elaine Browne	Head of Law	14/07/20	17/07/20
Mary Severin	Monitoring Officer	14/07/20	
Karen Shepherd	Head of Governance	14/07/20	15/07/20

Name of consultee	Post held	Date sent	Date returned
Hilary Hall	Director of Adults, Health and Commissioning	14/07/20	15/07/20
Andrew Vallance	Head of Finance	14/07/20	
Kevin McDaniel	Director of Children's Services	14/07/20	
Russell O'Keefe	Executive Director, Place	14/07/20	
Louise Freeth	Head of Revenues, Benefits, Library and Resident Services	14/07/20	17/07/20

Appendix 1: Completed actions

Area	Issues Identified	Actions	When completed	Comments including further considerations
Revenue Budget Approval	<ul style="list-style-type: none"> • Non compliance with statutory requirements • Lack of detail including assessment of reserves and projections • Lack of annual review of key items (e.g. special expenses) • Incorrect calculation of “special expenses” precept 	<p>Full compliance with statutory requirements.</p> <p>Greater detail and information included in reports</p> <p>Precept and key items all reviewed prior to budget setting</p>	All complete as part of 2020/21 budget setting in Feb 2020	<p>Full compliance achieved. Further improvements and enhancements planned during 2020/21 for budget setting for next financial year.</p> <p>Items that require annual review were identified and processes put in place to ensure this continues</p>
Inadequate reserves	<ul style="list-style-type: none"> • Assessment of reserves level was flawed • Only took into account one year and not future years • Insufficient explanation of level of reserves compared to others 	All items were resolved for the financial year 2020/21.	All complete as part of 2020/21 budget setting in Feb 2020	<p>Full review undertaken for 2020/21 budget setting in Feb 2020.</p> <p>NOTE: reserve management policy picked up as an action for 2021/22 MTFS to ensure continued review</p>
Robustness of estimates	<ul style="list-style-type: none"> • Overly optimistic reporting, not enough focus on risk • Assumptions not set out within reports including use of one-off resources • Inadequate review of bad debt provisions • In year use of reserves for “unforeseen” pressures • Lack of understanding around impact of changes from future funding changes 	<p>All items considered and reviewed during 2019/20.</p> <p>Improvements in narrative reporting made to explain variances and further details on future funding changes</p>	Improvements included during 2019/20 and reviews undertaken whilst preparing the 2020/21 budget	<p>All items resolved when setting 2020/21 budget but will need continued review. Newly designed budget monitoring reports include more details on risks and impacts on future funding</p> <p>Note: Further improvements included in proposed action plan</p>

Area	Issues Identified	Actions	When completed	Comments including further considerations
Medium Term Financial Strategy	<ul style="list-style-type: none"> • MTFS not robust, transparent and lack of clarity over medium and long term financial position • Overly optimistic projections • No clear context and lack of link to Corporate Plan • Optimistic future capital receipts and future receipts assumed to justify spend in advance of being delivered 	<p>As part of the budget setting process for 2020/21 the MTFS was fully reviewed and underlying assumptions tested and reviewed.</p> <p>Corporate plan is under development and context and link will need to reflect any changes</p> <p>Capital Programme has been reviewed but further improvements identified</p>	Review fully undertaken as part of setting budget and MTFS in Feb 2020	<p>All items resolved when setting 2020/21 budget but will need continued review.</p> <p>Note: Further improvements included in proposed action plan around Capital and the establishment of Capital Review Board</p>
Budget Monitoring	<ul style="list-style-type: none"> • Transparent budget monitoring not received • Delays in reporting variances and risks to members • Financial reporting overly reassuring • Officers appeared overly sensitive in providing bad news 	<p>Improvements made in budget monitoring reporting during 2019/20 including more detailed narrative report.</p> <p>Further detail and link between service information and financial information included in the Outturn report for 2019/20.</p> <p>New budget monitoring reports been devised for the financial year 2020/21 building on the outturn report.</p>	Improvements during 2019/20 and will be further built on during 2020/21	Improvements made during 2019/20 including outturn report. New reports devised for 2020/21 and a full schedule of reporting to cabinet programmed (Months 2, 4, 6, 8, 10 and outturn)

Area	Issues Identified	Actions	When completed	Comments including further considerations
Treasury Management	<ul style="list-style-type: none"> • Non compliant Treasury management strategy • Significant risk of borrowing plans involving £167m temp borrowing not highlighted • Insufficient detail provided and not in a standalone report • Reports not transparent about level of additional borrowing or impact on MTFS • External professional advice not sought 	<p>Compliant strategy and reporting put into place during 2019/20</p> <p>Links between levels of borrowing and impact on MTFS identified and included in budget setting report for 2020/21</p> <p>Separate Treasury Management reporting undertaken</p> <p>External advisors secured</p>	Reporting put into place during 2019/20 and impacts of borrowing included in the MTFS in Feb 2020	Will be important to ensure that reporting is regularised
Capital Strategy	<ul style="list-style-type: none"> • Non compliant capital strategy • Investment plans and alignment to corporate plans and objectives not set out • Failure to show how competing demands for investment were prioritised or how they linked to long-term vision • Failed to address affordability and deliverability 	Compliant strategy put into place during 2019/20 and as part of budget setting for 2020/21 that covered all necessary issues	Compliant strategy in place for 2020/21	Compliant strategy in place Note: Under proposed actions the new Capital Review board will undertake a review of the strategy to ensure remains compliant
Clewer and Dedworth Scheme	<ul style="list-style-type: none"> • Members able to circumvent approved policy framework • Lack of clarity and clear division between member and officer roles 	Although this is about a specific scheme the lessons were about the culture of the authority around approving new capital schemes	The Clewer and Dedworth scheme led to a number of actions that	Issues identified led to actions that now all complete, including a wider review of governance and therefore the actions identified in both Appendix 1 and 2 of this report.

Area	Issues Identified	Actions	When completed	Comments including further considerations
	<ul style="list-style-type: none"> • Schemes in Capital programme with no business case • Officers lack of awareness of basic governance procedures • Lack of action by the S151 officer (in post at the time) • Lack of transparency around financial implementation 	<p>The capital programme was reviewed when setting the budget for 2020/21 including emphasis on funding and affordability</p> <p>Financial regulations have been strengthened to ensure transparency around approval routes</p> <p>All budget managers have now received specific advice around approval routes</p> <p>The setting up of a capital review board (officer board) was recommended</p>	are now all complete.	

Appendix 2: Proposed Action Plan

Area	Issues Identified	Actions	Timeline	Lead Officer(s)	What Success will look like
Medium Term Financial Strategy (MTFS) and development of budget proposals for 2021/22	<ul style="list-style-type: none"> Update of MTFS to take account of impact of COVID-19 and decisions by government to delay implementation of Fair Funding required. Clear link between the MTFS and the Council's corporate plan Need to have clarity of budget gap going forward A reserve management strategy needs to be in place as part of MTFS Equalities impacts were produced for each of the budget proposals but a cumulative equality impact assessment was only completed for the first time for 2020/21 budget. 	<p>MTFS to be reviewed in year to identify a revised budget gap for 2021/22 to 2024/25 to assist with budget setting process for 2021/22. Consideration to be given to any additional areas of investment in resources needed including additional services arising from COVID-19, equalities and other engagement resources</p> <p>Identification of steps to address the budget gap across the MTFS and preparation of a balanced budget for 2021/22 including a strategy for managing the Council's reserves to be in place as part of the MTFS</p> <p>Ensure that there is further embedding of equalities impact assessments as part of the overall budget proposals.</p>	<p>October 2020</p> <p>February 2021</p>	Director of Resources & Head of Finance	<p>A clear understanding of what resources the Council has to manage its services and address its priorities.</p> <p>A legal, balanced budget proposed and agreed to statutory deadlines</p>
Transformation	<ul style="list-style-type: none"> The Council needs to embed the work around transformation to identify new ways of working and identify additional efficiencies 	Transformation plan developed to identify the framework within which opportunities can be identified	August 2020	Transformation lead	A dynamic approach to identifying potential opportunities to transform services with clearly defined benefits identified and delivered. Savings

Area	Issues Identified	Actions	Timeline	Lead Officer(s)	What Success will look like
		Sub-committee of cabinet formed to have oversight of transformation work	August 2020		identified will form part of actions to close the budget gap.
Capital Programme Management	<ul style="list-style-type: none"> • Need to establish a Capital Programme board to improve Capital governance • Overall capital programme needs to be reviewed to ensure robust business cases with clear delivery outcomes and risks appropriately managed. • More active challenge of capital spending needs to be undertaken including pro-active challenge from finance on slippage 	<p>Establishment of a Capital Programme Board (officer board) with a remit including:</p> <ol style="list-style-type: none"> 1. Review of existing capital schemes to ensure proper management of budget, timescales and outcomes 2. Consider the annual review and refresh of the capital strategy 3. Consider potential new projects and provide challenge prior 4. Consider the overall funding of the capital programme including review of S106, CIL, grants and borrowing levels 5. Undertake post implementation reviews of major capital schemes (including Braywick leisure centre) 6. Ensure regular monitoring reporting is included in cabinet finance reports 	<p>First meeting held June 2020</p> <p>Budget monitoring from July 2020</p>	Head of Finance	<p>Improved management of the whole of the capital programme including a greater understanding of the impact of decisions on the financial sustainability and wider aims of the Council.</p> <p>Improved reporting as part of the budget monitoring process ensuring there is a good understanding of the impact of the progress of the overall capital programme</p>

Area	Issues Identified	Actions	Timeline	Lead Officer(s)	What Success will look like
Financial Management Improvements including reconciliations, debt management and collection fund management	<ul style="list-style-type: none"> • Training programmes on the IT system already underway but need to continue to be embedded • Only 25% of transactions have a purchase order raised • The current model for building the MTFS needs to be reviewed • There were two unreconciled balances (bank reconciliation and Housing Benefits) that needed to be written back and reported to members • Further review of other control accounts and bank reconciliation • Limited reporting and review of debt management by services and wider finance team and provisions for bad debt are not regularly reviewed • There is not a clear understanding of how the collection funds 	<p>Training for budget managers has already been started but this needs to continue to be embedded.</p> <p>Specific project to identify opportunities to increase the use of purchase orders which will help with overall budget management</p> <p>Model for the MTFS reviewed and refreshed to support the overall actions of developing</p> <p>Unreconciled balances – RESOLVED (Council report June 2020)</p> <p>Internal audit currently underway of all reconciliations. Following completion, appropriate actions to be put in place.</p> <p>Improved reporting of debt management to be included in budget monitoring reports and a process for reviewing all bad debt provisions to be identified</p> <p>Review of collection funds has been commissioned separately to identify any areas where we may need to address skills and</p>	<p>Ongoing</p> <p>October 2020</p> <p>October 2020</p> <p>COMPLETE</p> <p>September 2020</p> <p>September 2020</p> <p>September 2020</p>	<p>Head of Finance</p> <p>Head of Finance</p> <p>Head of Finance</p> <p>COMPLETE</p> <p>Head of Finance</p> <p>Head of Finance</p> <p>Head of Finance & Head of Revenues, Benefits</p>	<p>Budget managers are clear about their roles and responsibilities and therefore are able to manage the resources they have to deliver their services successfully.</p> <p>There are sound underlying processes in place to ensure that our resources are clearly understood, managed and processes are efficiently managed.</p> <p>Roles and responsibilities for all officers involved in the financial management process are defined, understood and appropriate checks, balances and verifications are in place to minimise fraud and error</p> <p>All officers of the council have a sound understanding of the financial resources of the council and understand</p>

Area	Issues Identified	Actions	Timeline	Lead Officer(s)	What Success will look like
	operate which is a technical area of work.	knowledge gaps. Actions identified to be addressed through appropriate technical support, training and guidance.		Libraries and resident Services	how to support decision-making appropriately
Management of Partnership Arrangements	<ul style="list-style-type: none"> • Reviews of the Pension Fund, Optalis and AfC be completed and recommendations implemented • Consider our other partnership arrangements that are not subject to procurement and consider a value for money review (including Property Company and Internal Audit Service) 	<p>Optalis and AfC review completed and any actions arising identified and implemented</p> <p>Review of Pension Fund governance completed and all governance issues identified and actioned. This will include engagement with other pension fund bodies</p> <p>Review current partnership arrangements with the property company and to identify common purpose and goals for both partners</p> <p>Review current arrangements around our Internal Audit service to ensure that these are fit for purpose</p>	<p>July 2020</p> <p>October 2020</p> <p>December 2020</p> <p>March 2021</p>	<p>Director of Adults, Health and Commissioning</p> <p>Director of Resources & Head of Finance</p> <p>Director of Resources & Head of Finance</p> <p>Director of Resources & Head of Finance</p> <p>(Please note that the identified officers here are the RBWM officers only)</p>	Clear shared agreement and understanding with our partners and joint owners of what we wish to achieve through delivering services through these arrangements.

Area	Issues Identified	Actions	Timeline	Lead Officer(s)	What Success will look like
Member Oversight	<ul style="list-style-type: none"> There is a lack of clarity between member and officer roles The merging of the audit committee and Corporate Overview and Scrutiny Panel has meant that the different roles of the two functions may not be possible given the need to manage the number of financial governance issues 	<p>A revised code of conduct has been developed for members and was approved by Council in June</p> <p>Member and officer training programmes on finance and governance issues should be regularly reviewed and updated. Training on Member/Officer roles and responsibilities proposed for September 2020</p> <p>A review of the committees to be undertaken to split the functions and create a separate Audit and Governance committee from a corporate overview and scrutiny panel to be considered by full Council on 28 July 2020</p>	<p>COMPLETE (June 2020 Council)</p> <p>Ongoing</p> <p>July 2020</p>	<p>Head of Governance</p> <p>Head of Governance and Head of Finance</p> <p>Head of Governance & Director of Resources</p>	<p>Clear understanding of the respective roles and responsibilities of members and officers and clarity for decision-making purposes.</p> <p>Both members and officers receive up-to-date training on governance issues that impact on their ability to undertake their roles successfully, so that they feel confident in how they make decisions.</p> <p>Through separate committees/panels, full scrutiny can be undertaken relevant to the roles and responsibilities of the two entities.</p>

Royal Borough of Windsor and Maidenhead

Review of Financial Governance

June 2020

Contact details

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1. Executive Summary

- 1.1. CIPFA were appointed by the Managing Director and the Section 151 Officer at the Royal Borough of Windsor and Maidenhead (RBWM), in July 2019, to review the governance, approval and management processes in relation to the Clewer and Dedworth Neighbourhood Improvements capital scheme, which was approved at an estimated cost of £350K for the 2018/19 budget.
- 1.2. The Managing Director was concerned that the scheme failed to meet RBWM's overall objectives, that it was not subject to a proper prioritisation process, that no business case or plan had been produced regarding the scheme's deliverables and that there was no plan to demonstrate how it would be managed.
- 1.3. The results of this work were included in an initial report to Members in August 2019, our overall conclusion was that there was a lack of transparency around the financial implementation of capital schemes.
- 1.4. The issues raised in the first phase of our work highlighted further concerns about financial monitoring in RBWM, as well as the effectiveness of financial governance and the role of the finance function in overseeing the financial governance of RBWM. As a result, we were commissioned to assist RBWM in resolving some of the issues raised, to assist in the preparation of the 2020/21 budget and in the production of a new Medium Term Financial Strategy. The Managing Director also requested that any further governance or compliance weaknesses should be highlighted and included in a further report at the end of the assignment. This work commenced in September 2019 and details of the tasks undertaken are provided in Appendix B.
- 1.5. In the second phase of our work we have recommended that RBWM needs to address a large range of issues in relation to governance and financial management in order to demonstrate that it is managing its finances in a legal, transparent, professional and competent way. These issues and those subsequently found are set out in the report.
- 1.6. Section 7. below contains a List of Improvements Implemented in Response to Initial Recommendations
- 1.7. Our overall concern that the lack of financial transparency and Medium Term Financial Planning over a number of years has masked the financial problems that RBWM were facing and that, potentially, could have been avoided. For example, Council Tax was either reduced or frozen over a number of years. It is difficult to be precise over the exact basis of decision making but it was apparent that there had been a poor officer culture and lack of physical capacity and capability coupled with dominant members. This led to no appropriate challenge or recognition that challenge is a good thing.
- 1.8. Although RBWM has pockets of deprivation it is still one of the least deprived councils in the country with the benefits of a high council tax base,

increasing business rates, high land prices and high income levels could easily have been self-sustaining. However, despite setting a challenging budget for 2020/21 and developing a medium term financial strategy it is now facing an uncertain future, having to identify large savings in a short space of time due to the impact of Covid19. With this added pressure potentially meaning it may have to issue a S.114 notice and may not be able to set a legal budget in future years.

- 1.9. The standards of financial support within the Council were not at an appropriate level and must be improved further. This was underpinned by repeated removal of capacity from the organisation that left it weak and unable to deliver basic good governance or change successfully. This was coupled with a lack of corporate or team working culture.
- 1.10. There appeared to be little differentiation between officer and senior member roles and responsibilities, who appeared to be treated as senior executives rather than elected members. There was no recognition of the problems in governance this would likely create.
- 1.11. In summary, the financial governance issues that need to be addressed include:
 - Reporting and transparency, including revenue and capital budget setting, monitoring and medium term financial planning;
 - Treasury Management approval, reporting and monitoring;
 - Debt collection and appropriate provision for bad debt;
 - The change in council culture required to achieve more transparency over decision making and compliant governance;
 - Reviewing the Member protocols that govern relationships between Members and officers;
 - Changing the culture and ability of the finance function to one that is more challenging and prepared to ensure greater accountability of decision making and a substantially higher level of compliance.
 - Addressing the "silo" culture amongst officers where significant decisions have not been taken in a corporate or collegiate way
- 1.12. Our work has been focussed on the budget reports in 2018/19 and 2019/20 and limited examination of previous years when the decisions to reduce Council Tax were made. In reading these reports the risks of low reserve levels, the lack of medium term financial planning and alternative options are not set out clearly in the reports for Members and the Public. The poor governance, culture and any issues, including those between Officers and Members were not set out in the Annual Governance Statements.
- 1.13. The Council, prior to COVID-19 had started to make progress under new political and officer leadership, the new robust approach to the Medium Term Financial Strategy had been welcomed and Members had commented on improved transparency in financial reporting. Difficult decisions were made in putting forward the 2020/21 budget, including removing car parking discounts for residents and reducing the Council Tax Reduction scheme discount for working age claimants.

- 1.14. Officers and Members were considering future strategies with financial planning, particularly climate change.
- 1.15. The report is written while RBWM, like all others, has had to deal with the impact of COVID-19. There is uncertainty as to whether the additional costs and lost income caused by the pandemic will be fully covered by additional government funding.
- 1.16. We would like to thank the management team and the finance team, with whom we worked closely in undertaking this review, for their support and cooperation and willingness to take on board the changes recommended. A list of those interviewed in the first phase of our work is provided at Appendix A.

2. Financial Reporting

- 2.1. Following our initial report to Members, CIPFA were commissioned to assist RBWM in resolving some of the issues raised in setting the 2020/21 budget and in the production of a new Medium Term Financial Strategy (MTFS). We were also asked to highlight and report on further governance, reporting and compliance weaknesses.
- 2.2. In carrying out the work, which commenced in September 2019, we referred back to the processes and procedures in place for both 2018/19 and 2019/20 where we found a number of weaknesses that required urgent attention. We are pleased to be able to report that these have been largely addressed in the Budget Report for 2020/21, the MTFS, the Treasury Management Strategy and the Capital Programme. These documents have the full support of the Leader, Managing Director, the Cabinet and the Corporate Leadership Team.
- 2.3. We set out below the key findings from our work under separate headings for ease of reference.

Revenue Budget Approval

- 2.4. Section 25 of The Local Government Act 2003 includes the following statutory duty in respect of the budget report to Council:

“the Chief Financial Officer (CFO) of the authority must report to it on the following matters:

 - a) the robustness of the estimates made for the purpose of the calculations; and
 - b) the adequacy of the proposed financial reserves.”
- 2.5. The Council is required to take this report into account when setting the annual budget. Section 26 of the same Act, places an onus on the CFO to ensure that RBWM has established a minimum level of reserves to be retained to cover any unforeseen demands that could not be reasonably defined when finalising the proposed budget.
- 2.6. The Revenue Budget for 2019/20, approved by RBWM in February 2019, did not comply with the requirements of the Local Government Act 2003. More specifically the RBWM budget reports for 2017/18, 2018/19 and 2019/20, approved by RBWM, failed to include a statement from the CFO on the robustness of estimates. Although the reports do refer to the level of reserves they state only that reserves are above the level required and that RBWM is in a strong position to deal with the risks it faces for the forthcoming year.
- 2.7. We also found an issue in relation to “Special Expenses” charged to residents in the Windsor and Maidenhead town areas. Special expenses are costs incurred for the provision of an amenity or service that is primarily for

the benefit of one locality which, elsewhere, would be provided by a town or parish council. The powers to incur "Special Expenses" are set out in Section 35 of the Local Government Finance Act 1992. In addition, these costs should be listed separately in the budget report and should be approved by RBWM as if the costs were managed by a Parish Council. There was a lack of understanding, within RBWM, as to how these costs should be approved and hence the finance team simply changed that part of the precept covering the "Special Expenses" in line with the changes to the Band D precept. This appears to have been standard practice from when RBWM first became a Unitary in April 1998 and was a principle carried over from the previous District Council.

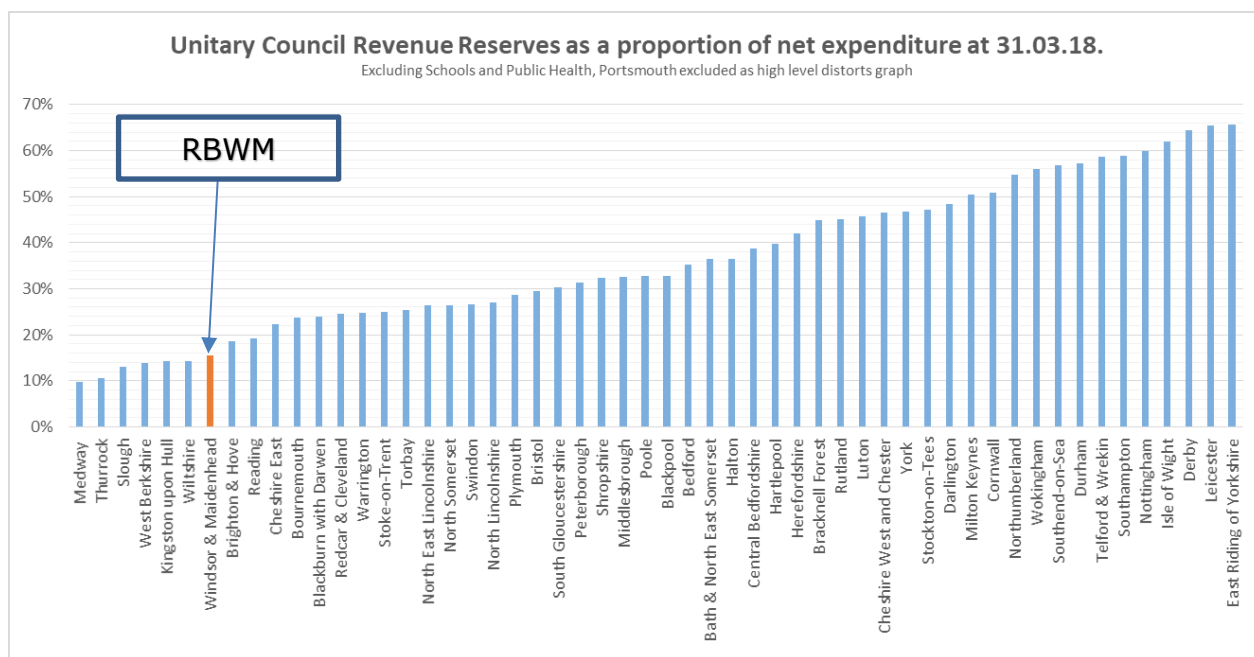
- 2.8. Turning to the level of the precept proposed for the 2019/20 budget we found that the amount proposed was too low rather than too high. In 2019/20 RBWM approved the maximum increase of 2.99% in Council Tax. Anything above this level would have required a referendum. However, the increase was calculated on the Council Tax element excluding the Adult Social Care precept whereas the 2.99% maximum can be based on the total Council Tax including the Adult Social Care precept. This meant that the actual increase applied in Council Tax was 2.77% which is the percentage used for comparison purposes with other councils by MHCLG.
- 2.9. If the full 2.99% increase had been applied, as approved by Members, Band D Council Tax would have increased by a further £2.23, increasing Council Tax income by an additional £0.152m in 2019/20. This amount would have been included in Council Tax bases in future years. The finance team had planned to use the same methodology throughout the MTFS period to 2024/25, assuming a 2% p.a. increase each year. This would have had the effect of reducing the level charged by approximately £0.669m in the final year of the MTFS.
- 2.10. The key issues are that:
 - Key budget decisions did not comply fully with statutory requirements (e.g. revenue budget s25 report):
 - Budget reports lacked detail and only provided a cursory assessment of the robustness of reserves and spending projections that did not reflect the complexity of RBWM's business;
 - Key items within the budget (e.g. special expenses) lacked transparency and annual review;
 - The precept increase was calculated incorrectly, which resulted in a potential loss of council tax income of £152,000 in 2019/20.

Inadequate Reserves

- 2.11. The overall level of reserves in a council is based on an analysis of potential financial risks combined with a need to balance the annual budget. Risks considered by RBWM included the potential non-delivery of savings and possible increases in Children's safeguarding costs. The risks set out showed that there was an over-reliance on the use of the general fund reserve, rather than an expectation that RBWM would manage within its

annual budget. For example, there was no provision for the possible slippage or non-delivery of savings and there was little assessment of the level of reserves required to sustain future budget deficits.

2.12. The overall level of usable reserves, compared with those of other Unitary Councils is very low, something that is not made clear in the budget report. The point is illustrated in the chart below.



2.13. The level of reserves is a concern given the risks facing RBWM in relation to the delivery of large savings, the reliance on assumed capital receipts, the uncertainty of future government settlements and the impact of Covid-19. Failure to address these risks would risk the financial sustainability of RBWM.

2.14. Our overall assessment of the process for setting reserves is that it was flawed in that:

- Whilst the assessment considered potential service risks it did not take into account the level of reserves that may be required to balance the budget over two to three years;
- There was insufficient explanation about how RBWM was managing one of the lowest level of reserves nationally.

Robustness of Estimates

2.15. Our review of the budget estimates for 2018/19 or 2019/20 revealed little evidence of robust examination. Specifically, we found that:

- A number of budgets were unrealistic or were sustained by one-off underspends;
- Some savings, approved in the 2019/20 budget, were abandoned very early in the financial year and the anticipated amounts to be delivered were unrealistic;

- Savings were not reported separately and there was no corporate challenge or overview, despite all of the savings being RAG rated as green in the budget report;
- Additional items not approved in the budget were added during the year, via Cabinet reports, and were charged to the General Fund reserve. No other options were presented or compensating savings offered. Examples of additional items in 2019/20 include £365K for "24 Hour Pot-Hole Commitment", £32K for "Make Maidenhead Marketing Strategy" and £100K for "Waste Mobilisation";
- Redundancy costs projected for future years, for example £585k provided for in 2018/19, would be charged to the general fund reserve rather than included as a specific budget. This was not set out in the budget report.

2.16. In terms of Business Rates the 2019/20 budget report estimated that £16.312m would be gained from business rates and that there would be a surplus carried forward of £3.545m. The NNDR 1, a return to government included as an annex to the same report, assumed business rates of £21.902m and a surplus of £0.512m a difference of £2.557m in total.

2.17. An element of the difference could be attributed to a prudent provision for potential deficits. However, this should have been made clear in the budget report. It is apparent that there was limited understanding of the business rates collection fund and, as a result, the Management Team and Cabinet members had not been made aware of the future risk of business rate volatility. Considering the size and risk relating to this funding stream we found it surprising that this area was not prioritised in finance reports.

2.18. Business Rates income experienced major variances in forecasts in both 2018/19 and 2019/20. The initial estimate for gross business rate income in 2019/20 was £93.995m. This was reduced to £92.687m in October 2019, to £89.840m in January 2020 and the outturn was only £86.638m. The budget estimate for 2020/21 was based on the January 2020 figure. Overall, there was a reduction of £7.357m or 7.8% from the January 2019 estimate. The net figure per RBWM's NNDR1 form was £21.902m after a large tariff and levy on the surplus above the amount gained since the localisation of business rates. The impact of the increased deficit will impact on the 2021/22 budget as the amount credited to the revenue account is based on the NNDR 1 form with the difference carried forward. These dramatic reductions, with little explanation, raise questions about the robustness of the process, which is clearly in need of further review.

2.19. The budget also assumed the use of one-off resources of £1.148m that were not highlighted in the budget report. The amount was netted off the costs of capital financing in the budget report, reducing its cost. The amount is only apparent by examining the detailed medium term financial planning forecast in appendix N of the report where it is referred to as a revenue contribution from capital. Given that the annex was not referred to in the report it was unlikely that the amount would be challenged. There was no working paper to support this assumption and it appears that it was a decision of the s151 officer and the then deputy s151 officer to include this

value without the knowledge of other members of the finance team, the Management Team or Cabinet.

2.20. Turning to Housing Benefit, if a Council makes overpayments in Housing Benefit payments, mostly caused by late notification of changes in circumstances, it may retain the benefit of the additional income. RBWM's budget for this assumed that the level of income would be £0.966m in 2019/20. As invoices are raised the full benefit of the income is included in the accounts. The level of outstanding debt from this source at 31 March 2019 was £5.109m but the provision for bad debts was just £0.794m, despite more than 50% of the debt being older than three years and with some debt going back to 2001/02.

2.21. Housing Benefit debt is difficult to collect when it goes over 12 months in age and it is normal practice to provide a prudent level of bad debt provision. We found no sound basis for the calculation of the provision. A more realistic provision of £1.970m was calculated with the finance team at the end of February 2020 an increase in the provision by £1.176m. This amount was planned to be transferred to an unreconciled housing benefits balance due to be credited back into the accounts. Without this increase there would have been an additional charge on the 2019/20 revenue budget. Provisions for bad debts should be reviewed and challenged as part of normal practice in advance of budget setting to ensure that the budget is robust. In closing the 2019/20 accounts the finance team decided, with, we are told, the agreement of the external auditor, to only provide for £0.756m of bad debt provision as they hadn't had time to review the final position and would update it in 2020/21. This does mean there remains a significant under-provision for bad debts for this area at 31.03.20.

2.22. We have major concerns that:

- Budget reports were overly optimistic about the achievement of savings;
- Reserves were used during the year to meet the cost of "unforeseen" in year pressures, rather than looking at ways to manage these pressures within the allocated budget. This further weakened RBWM's financial position;
- Council Officers did not fully understand the risks surrounding business rates retention or consider how these could impact on the budget and its reserves;
- Key assumptions were not set out clearly within budget reports i.e. the use of one-off resources. This meant that the necessary approval to use these resources was not sought;
- Bad debt provisions were inadequate and unrealistic given the level of outstanding debt. Their potential impact on reserves was not highlighted or taken into account when the level of reserves was assessed.

Medium Term Financial Strategy

- 2.23. The MTFS reporting to Members prior to the 2020/21 budget was limited. A table of projected income and expenditure for the period 2020/21 – 2022/23 was included as an appendix to the 2019/20 budget report but it isn't referenced in the report. No mention is made about potential risks arising from the fair funding review, business rates review and Comprehensive Spending Review. Potential savings of £4.2m were identified as required in 2020/21 but no explanation is given of how these will be achieved or the plan to deliver them which we consider to be a major weakness.
- 2.24. The basis for forecasting costs beyond the subsequent financial year was confined to the finance team, it omitted potential increased costs and it was not triangulated with other initiatives that RBWM was undertaking such as the regeneration in Maidenhead. This meant that in both the 2018/19 and 2019/20 budget reports there was a significant under-estimate of the savings required in future years.
- 2.25. RBWM had, in previous years, reduced its council tax resulting in it having by far the lowest charge in the country outside of London. This matched Members' objectives but budget reports did not highlight the risks of pursuing this. However, the 2019/20 budget report recommended that RBWM should increase Council Tax by the maximum amount.
- 2.26. The estimated funding gap for 2020/21, included in the February 2019 budget report, had a number of optimistic assumptions, particularly around savings and not fully reflecting some pressures. Others couldn't have been anticipated. This meant estimated pressures for 2020/21 increased by £9.8m between February 2019 and February 2020.
- 2.27. Cumulative savings required for the period 2020/21 – 2022/23 in the February 2019 budget report increased from £1.9m to £14.5m in the February 2020 report.
- 2.28. The Medium Term Financial Strategy should be linked to the Corporate Plan. In RBWM there was no linkage prior to the report being approved by Council in February 2020. It appeared that RBWM was just managing its finances on a year to year basis.
- 2.29. The estimates made no assumption of pay increases for staff, bar some one-off payments, meaning staff pay would fall behind those in neighbouring authorities increasing recruitment and retention problems. The same assumption was made for its partner organisations, Optalis and Achieving for Children where the recruitment of Social Workers is particularly difficult. This assumption was not documented, nor does it appear to be widely known in key departments of RBWM.
- 2.30. With regard to the MTFS we found that:
- RBWM did not have a robust and transparent medium-term financial strategy;

- There was a lack of clarity over the medium to long term financial position facing RBWM;
- The projections that existed were overly optimistic and did not highlight the significant funding risks faced by RBWM;
- There was no clear context for the medium-term financial projections to link them to the overall objectives of RBWM as set out within the Corporate Plan.

Budget Monitoring

- 2.31. Early budget monitoring in 2018/19 identified significant variances to the approved budget. These were highlighted to the Management Team and informally to Cabinet but not formally reported openly or publicly until the budget monitoring report to Cabinet on 22nd November 2018.
- 2.32. Total service overspends at year-end were reported as £8m, over 10% of RBWM's net revenue budget and more than the level of opening general reserves of £7.4m. Services reduced overspends from additional savings and one-off measures to £4.1m. The overall position was further mitigated to £2.1m by one-off income relating to the Business Rate pilot.
- 2.33. In the RBWM July 2018 Budget Monitoring report the aggregated usable reserves were described as being in a healthy position at £8.7m, in excess of the £5.9m recommended minimum level set at the Council meeting in February 2018. Given the risks to the budget position and uncertainty for future years this position appears to be hard to justify, particularly as overspends of £8m were being identified at this point, although not being reported.
- 2.34. The s151 Officer explained that he had not reported the full position publicly to all Members in his reports in July, September and October [REDACTED]
[REDACTED] He did not seek advice from CIPFA, the LGA or the Monitoring Officer in dealing with this issue.
- 2.35. The s151 Officer has a statutory role and guidance is provided by CIPFA in "The Role of the Chief Financial Officer" in fulfilling the responsibilities of the post. The finance team, and the wider organisation, was not taking account of this. Budget monitoring and reporting was therefore inadequate and risked the credibility of the finance function in undertaking its role.
- 2.36. The finance team's main focus is reporting, through the final accounts process and budget monitoring. Given the amount of input and therefore costs of this monthly process the outcomes and use of the information was and still is limited.
- 2.37. The budget monitoring report to September 2019 Cabinet was reported in draft to Cabinet Members with a forecast £0.5m overspend. This ignored known overspends in departments and, following a review requested by the Managing Director and undertaken by CIPFA, was increased to £4.2m. Officers and Members, appeared to be reluctant to report the correct position, replicating the previous year's issues.

2.38. The overspend in Adult Care reduced during the year, as in previous years, partly as a result of pro-active management, but there appears to have been a trend of large overspends being forecast in September and October albeit reduced at outturn. It is unclear what causes this and it is recommended that further work on profiling the budget is undertaken to predict spending in this area more accurately.

2.39. Our comments in relation to budget monitoring are that:

- RBWM did not receive frequent and transparent budget monitoring information;
- There were delays in reporting budget variances and risks to members;
- Financial reporting was overly reassuring;
- Officers appeared overly sensitive in providing bad news about RBWM's financial position and the poor publicity that it would bring to RBWM.

Treasury Management Strategy

2.40. In recent years RBWM has increased its borrowing substantially to invest in the regeneration of the borough, pending some significant land sales. This means that the Treasury Management Strategy has even greater significance for RBWM.

2.41. CIPFA's Treasury Management code of practice requires that RBWM will receive:

- An annual report on the strategy and plan to be pursued in the coming year;
- A mid-year review;
- An annual report on the performance of the treasury management function, on the effects of the decisions taken and the transactions executed in the past year, and on any circumstances of non-compliance with the organisation's treasury management policy statement.

2.42. We found that RBWM did not comply with the code of practice in that no mid-year review of Treasury Management was reported to Members, although cash-flow statements are published as part of budget monitoring reports. Also, no separate annual Treasury Management report was published. Some overall highlights of borrowing were published but as part of the following year's Treasury Management Strategy and they failed to fulfil the requirements of the code of practice.

2.43. The Treasury Management Strategy, approved by RBWM in February 2019, did not explain how the Finance team was intending to finance £341m of planned capital spending to 2035/36 in the short term. In the longer term this was to be financed from anticipated capital receipts but £167m of temporary borrowing would be required by 2021/22, which is the minimum forecast period required by the Prudential Code.

- 2.44. The approved 2019/20 Treasury Management Strategy explained how at 31 March 2018 RBWM had £57m of external long-term borrowing and £20m of short-term borrowing that was repaid in May 2018. However, it did not explain the forecast short-term debt of £88m at 31 March 2019 or the intention to increase temporary borrowing to £124m during 2019/20, which is a major omission.
- 2.45. The cost of the additional borrowing is not explained in the strategy nor is the current intention to borrow all of it on a short-term basis. No alternative strategy is proposed or discounted for this large increase in debt or the risk to RBWM of an increase in short-term interest rates above the 1% assumed.
- 2.46. The Treasury Management Code of Practice requires local authorities to make reasonable estimates of the total capital financing requirement at the end of the forthcoming financial year and the following two years. These prudential indicators will be referred to as the estimates of capital financing requirement.
- 2.47. RBWM in their prudential indicators only quoted 2019/20 and 2020/21, not 2021/22 as is required or 2022/23 which in the MTFS appendix of the budget report was when debt charges were forecast to reduce.
- 2.48. The non-disclosure of key information on planned borrowing was a significant omission and did not enable Members to undertake their role in assessing the risks to RBWM when approving the Treasury Management Strategy for the year.
- 2.49. The spreadsheet that estimated the cost of debt charges in the MTFP was flawed in that it assumed the short-term debt was only required for six months of the year. The calculation resulted in the cost of borrowing £168m in 2020/21 showing as less than the cost of borrowing £88m in 2018/19. The spreadsheet has now been updated to correct the error and for other changes in assumptions. This one error represented an estimated underestimate of £700K of interest in 2020/21 above that assumed in the MTFP.
- 2.50. Despite RBWM's plan to increase borrowing significantly in 2019/20 it had not taken any external advice from Treasury Management advisers on the assumption that short-term borrowing rates would remain low. The risk of increases in interest rates had not been modelled nor had a strategy of fixing an element of the borrowing, to reduce risks to RBWM, been considered.
- 2.51. Following guidance from CIPFA RBWM appointed Treasury Management Advisers but this coincided with the Government decision to increase PWLB rates by 1%. As such the advice was to continue with the strategy of short-term borrowing. If the advisers had been appointed earlier RBWM would have been able to fix an element of its debt at historically low levels. It has transpired that interest rates have continued to remain low but this risk was not being managed.
- 2.52. Our key findings in relation to the Treasury Management Strategy are that:

- RBWM did not have a compliant Treasury Management Strategy;
- The Treasury Management Strategy did not highlight the significant risk of borrowing plans which involved £167m of temporary borrowing by 2020/21;
- There was no in year report on borrowing levels and the risks associated with them;
- Information on Treasury Management and borrowing levels was not set out in sufficient detail within a standalone report;
- Reports were not transparent about the level of additional borrowing that RBWM was undertaking or the impact of that borrowing on the medium-term financial plans;
- Council Officers did not seek external professional advice on borrowing levels, even when the increased level of borrowing presented a significant financial risk to RBWM;
- This meant that officers missed the opportunity to reduce financial risks by converting more council borrowing to fixed rates. (The Covid 19 national emergency means that this has not caused any loss to RBWM).

Capital Strategy

- 2.53. In recent years RBWM has made considerable capital investment within the borough. CIPFA's Prudential Code requires all councils to approve a Capital Strategy as part of their budget process. Its intention is to provide a high level overview of how capital expenditure, capital financing and treasury management activity contribute to the provision of services; along with an overview of how the associated risks are managed and the implications for future financial sustainability. It should show how revenue, capital and balance sheet planning are integrated.
- 2.54. The strategy should be informed by RBWM's priorities and links to other key strategy documents notably the Corporate Plan, Medium Term Financial Plan, Treasury Management Strategy, Asset Management Strategy and Property Investment Strategy.
- 2.55. The RBWM Capital Strategy is an appendix to the budget report and at just three pages long, is not a strategy document. It does not show how capital expenditure, capital financing and treasury management link together or what the associated risks of the strategy are to RBWM or how they are being mitigated.
- 2.56. In our opinion RBWM's Capital Strategy was not compliant with CIPFA's Prudential code and the budget report did not reference affordability in relation to its capital plans, a requirement of the 2003 Local Government Act.
- 2.57. The Prudential Code supports the system of capital investment in local authorities. It is integrated within the wider statutory and management processes of local government. These should be significant considerations when council's take decisions on capital investment, i.e. the level of capital

investment that can be supported is subject to tests of affordability and sustainability.

- 2.58. The Local Government Act 2003 refers to affordability and the requirement that local authorities keep under review the amount of money they can afford to borrow for capital investment.
- 2.59. RBWM has ambitious investment and regeneration plans, building a new leisure centre, spending additional money on roads above that provided by government grant, investing over £200m in new schools and facilitating new housing in the Royal Borough. The intention is that this spending will be financed by capital receipts and grants of £425m over the period to 2035/36. This plan was not articulated in the Capital Strategy approved by Members. There has been no consideration of the risks to the capital programme and revenue budget of not achieving the assumed level of capital receipts.
- 2.60. RBWM's capital investment plans are not linked to affordability. The budget report does not set out the ongoing costs of the capital programme, how it is intended to be financed and the risks to RBWM's future financial sustainability.
- 2.61. Our concerns over the Capital Programme are that:
- RBWM did not have a compliant Capital Strategy;
 - The Capital Strategy did not clearly set out RBWM's investment plans and now they aligned to its Corporate Plan and objectives;
 - The Strategy failed to show how it would prioritise competing demands for capital investment or set a long-term vision for capital investment;
 - The Capital Strategy failed to assess the affordability and deliverability of capital investment plans.

3. Clewer and Dedworth Capital Schemes

- 3.1. Two schemes were approved as part of the 2018/19 capital programme in the Clewer and Dedworth Ward:
 - PAVE Dedworth £100k;
 - Clewer & Dedworth Neighbourhood Improvements £350k.
- 3.2. The PAVE scheme was approved through the normal Council prioritisation process and had an outline of what could be delivered for £100K in terms of improvements to pavements. Some of the pavements are owned by local shop-keepers who rejected the request to contribute to the cost of the scheme. Based on advice from the Executive Member for Highways the scheme was reduced and the actual spend was £43K.
- 3.3. The £350K of neighbourhood improvements was a late request from the Ward Member that had no business case and was not part of the Highways Teams' prioritisation process. This proposal was agreed to be included in the Capital Programme for 2019/20 by the Member Budget Steering Group. No detailed scheme was agreed prior to the funding being approved by Council in February 2019.
- 3.4. In March 2018 the Ward Member made a further request to spend an additional £70K on two new schemes that he discussed with the then Managing Director. These were improvements to Sutherland Grange and Osgood Park (2 x £30K) and refurbishment and security works at the Spencer Denney Centre. None of these is a highways scheme.
- 3.5. The Managing Director appears to have agreed the spending but no approval or governance process was put in place around the proposed scheme. Officers included a breakdown of how the £350K should be spent in the Highways and Transport Investment Programme 2018-19 report approved by Cabinet on 24 May 2018. This involved 16 carriageway schemes, mostly re-surfacing and patching, and seven footway schemes. The breakdown in the report did not include the additional schemes requested by the Ward Member.
- 3.6. Officers assumed that an implied instruction in an email to the Ward Member from the Managing Director was sufficient authority to progress the new schemes.
- 3.7. The additional schemes were progressed in 2018/19 with £48K of additional expenditure authorised by the Manager for the £350K Neighbourhood Improvement scheme, causing it to overspend. A £56K overspend was reported in the Capital Outturn Report to 30 May 2019 Cabinet meeting as – "Scope of works increased".
- 3.8. Officers have stated subsequently that the unspent funds on the £100k PAVE scheme can be "vired" for use on the Parks schemes. They assumed that the Managing Director had the authority to do this and that they had, in essence, used her authority to do so. This is incorrect, they did not have this authority.

3.9. Officers assumed this authority to use funds flexibly was delegated to the Managing Director from one of the recommendations in the Highways and Transport Investment Programme 2018-19 report to Cabinet on 24th May 2018 which states:

"Delegate authority to the Managing Director, in consultation with the Deputy Leader of RBWM, and Lead Member for Highways, Transport and Windsor, to agree minor amendments to the approved schemes (within approved budgets) and implement reserve or substitute schemes should this become necessary."

3.10. Cabinet does not have the power to supersede the Constitution approved by Council and a minor amendment to a Highways and Transport programme does not include spending £70K on new Parks schemes, virement rules do not cover this spending either.

3.11. The email from the then Managing Director is not explicit in agreeing the new scheme and no Officer Decision notice was published to agree the spending.

3.12. The Senior Manager with overall responsibility for the scheme wrote to the Executive Director and the s151 Officer advising that the scheme was progressing and asking for clarification on what budget to use. Neither replied.

3.13. When the position was explained by CIPFA to RBWM's Monitoring Officer she agreed that there was no authority for the expenditure on the Parks schemes and that officers were acting beyond the authority set out in RBWM's constitution. This raises the question of whether the action is Ultra Vires and this should be reviewed.

3.14. She also felt that the approval process for the £350K neighbourhood improvement scheme was questionable in that the expenditure avoided a prioritisation process to the benefit of one ward.

3.15. There was generally a lack of understanding of individual authority in respect of capital and this is referred to in section 4. below. Members seemed unaware of this as there has been no challenge from Officers on the appropriateness of the expenditure.

3.16. Overall we have concerns that:

- Members were able to circumvent RBWM's approved policy framework to include additional schemes in the capital programme without appropriate challenge from officers;
- This indicates a lack of clarity and clear division between member and officer roles;
- Schemes appeared in the Capital Programme with no business case;

- Officers lack of awareness of basic governance procedures and not raising concerns with RBWM's Monitoring Officer, or asking for advice led to procedures being by-passed;
- There was a lack of action by the s151 Officer when it became apparent that non-approved expenditure in Parks was being charged to the scheme. The failure to consider that officers could be acting beyond the authority set out in RBWM's constitution is also an area of great concern and raises questions regarding potential Ultra Vires expenditure;
- Some Members believed this is how council business should be conducted.
- Overall, there was a lack of transparency around the financial implementation of capital schemes.

4. Capital Programme Approval and Monitoring Process

- 4.1. The Clewer and Dedworth schemes, set out in section 5. above highlight major weaknesses in the capital approval and monitoring process in RBWM. We set out below our detailed findings.
- 4.2. The overall process for authorising spend has been examined. It does not appear that there is a consistent business case approach to agreeing capital spend or that the finance team are involved in calculating necessary expenditure.
- 4.3. There are numerous schemes where spend approval is rolled forward without considering whether this is necessary. It is reported that approvals are vired to other schemes although this has not been examined as part of our review. Nor have we considered whether the virement process used is compliant with the Constitution. The lack of rigour and challenge of older schemes where unspent approval is carried forward by the Finance team is an area of concern.
- 4.4. Capital Monitoring is included in the monthly finance updates to Cabinet but has a lot less profile, detail and explanation than revenue monitoring which is inconsistent with best practice.
- 4.5. Even when approval processes appear to have been followed appropriately the lack of a comprehensive business cases meant that the Council spent considerable amounts on schemes when it was not clear they were affordable. It is questionable whether the approved costs were fully challenged and, for example, spend of £36m on a new leisure centre would appear to be considerable higher, by a large margin, than other facilities built by other councils.
- 4.6. In-year capital monitoring and reporting was unsatisfactory, for example the report to Cabinet in November 2018 shows no variance or slippage across the whole programme. However, the report in March 2019 identified slippage of £23m across the programme. The report itself gives no explanation of the variances or slippage. Major schemes have a line of detail with the rest of the programme reported in summary in an appendix.
- 4.7. In the final outturn report in May 2019 slippage in the capital programme was reported as having increased to £33m, 39% of planned spend although this was not broken down by scheme or explanations given.
- 4.8. Variances were reported against 85 completed schemes in the capital outturn but the table does not show the variance to the approved budget. No outturn information is given for 184 schemes that are in progress or are part of ongoing programmes.
- 4.9. Not all spending is accompanied by an official Purchase Order, a significant financial control weakness.

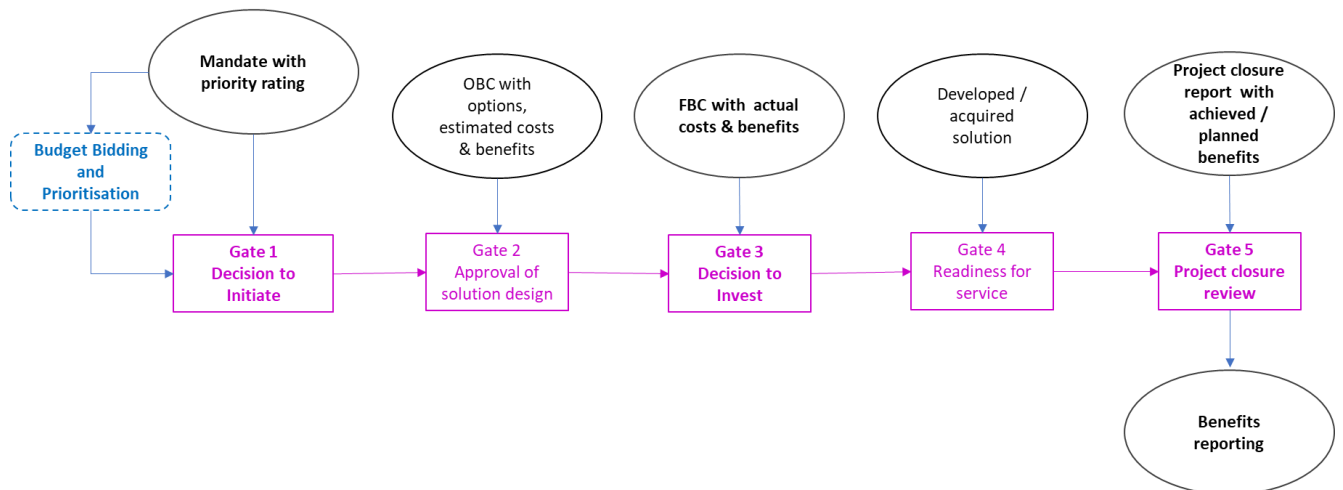
- 4.10. Approval by Council as an item in the capital programme in many cases was taken as adequate, despite there only being a line of detail in the report to Council and no published officer reports.
- 4.11. There was no de minimis to items placed in the capital programme. Also the financial implications of the schemes, interest and MRP (effectively the principal repayment) were charged centrally. As there was pressure on revenue budgets officers were keen to charge amounts to capital. This had a number of implications. The cost of capital was rising steadily, some items were charged to capital that should have been charged to revenue and the programme had become unmanageable.
- 4.12. Some areas of capital, around improvements to roads, bridges and buildings are necessary for Health and Safety purposes and, given the scale of the estate, recur year on year. RBWM had partly recognised the repetitive nature of the work in a corporate budget for revenue contributions to the capital programme, which was a sign of prudence. The budget was £1.6m in 2015/16, reduced to £1.1m in 2016/17, £0.4m in 2017/18 and zero in 2018/19 to achieve savings.
- 4.13. A de minimis level of £20k was put in place in September 2019 for future schemes. Officers were provided with training on capital expenditure and certain items were re-classified as revenue where necessary.
- 4.14. New governance arrangements have been put in place for 2020/21 to ensure appropriate approval is sought for each capital scheme, schemes above £500k requiring a Cabinet report and those between £50k and £500k a published Officer Decision report that are in the approved capital programme.
- 4.15. This means that there are now two "gateways" (decision points) for projects - the approval to make budget provision for projects over £20k either in the annual budget setting process or as a special in year item; and the approval to spend.
- 4.16. There were, however, some clear strengths in the previous arrangements:
- All projects had an owner who sat at CLT (Executive Director or Head of Service);
 - There were some project and programme boards in place. There were some professional project management resources and methods being used, particularly for the larger capital projects;
 - Effort and resourcing applied on project / programme management overheads was economical for an Authority of this size;
 - A new prioritisation method has been applied for the 2020/21 provision of capital budgets.
- 4.17. At the same time there are several weaknesses that potentially need to be addressed:

- There is no corporate visibility of the full projects' portfolio. This makes it difficult to monitor the full picture on status, progress and delivery;
- Projects are largely managed in isolation and there is limited management of dependencies;
- There is little in the way of attention to programme management focused on the delivery of specific outcomes, such as manifesto commitments;
- The use of a variety of different PPM methodologies, (in some cases ad hoc), makes it difficult to assure the quality of the project management;
- The lack of documented procedures adds to complexity and uncertainty. For example, some projects have a project board, and some do not. There needs to be consistent policy on when a project board is required;
- As well as the absence of documented procedures, roles (such as the responsibilities of the Senior Business Owner) are not defined;
- More control is needed in the form of a gateway process that will help ensure delivery of the right solutions, as well as staying within budget, throughout the project lifecycle;
- The absence of formal "gates" creates the risk that problems are not recognised and addressed early enough and that there is not enough challenge about options and the proposed solution;
- There is no clear corporate guidance on benefits realisation or project closure;
- There is limited use of business cases to justify project decisions, for the smaller projects;
- Key information about risks (RAG ratings) are missing in many instances and there is a lot of ad hoc verbal reporting, with subjective and selective content.

4.18. In addressing the weaknesses, there are several issues, practical factors and constraints to consider:

- There is limited resourcing and funding available for project management;
- These are several factors that will limit the scope for full standardisation across RBWM project management approaches and methods;
- Any changes have to be shaped by "the pull from the top". The form and extent of that pull has still to be assessed;
- It is most likely that RBWM will want to apply any planned changes for capital projects to other RBWM projects;

Project Lifecycle Controls:



- There are three important documents that will support the project lifecycle decision making:
 - The Mandate provides a brief preliminary description of the project and is designed to introduce the basic project concept and identify key issues at the earliest stages of project development,
 - The Outline Business Case (OBC) and Full Business Case (FBC) will build on and extend the Mandate contents for projects. Templates will be on-line, requiring minimal administrative effort, and scalable to the complexity/risk and value;
- The administrative burden for the gateway checks will be minimised by delegating more of the gate checking and approvals process. The extent of checking will be proportionate, for example, Readiness for Service checks for low risk and low value projects will be a decision only by the SBO, whilst Decision to Invest checks for high value or high risk projects will require approval from Senior Business Owner / Project Board, CIPB, CLT and Cabinet;
- There is a range of recurring annual provision items (for example: road resurfacing and traffic management schemes) which are essentially a programme of works rather than a one-off project. In terms of the gateway checks and the reporting procedures, it makes sense to treat the programme of works as a single project, with individual stages in order to avoid excessive administration with minimal risk impact;
- All projects with a total value in excess of £100K and for high risk projects less than £100K, the project manager will complete an on-line project report. The information captured at the corporate level will be accessible and available on-line to the project

manager, the SBO, the project board, the CIPB, the CLT and Cabinet.

- 4.19. The Senior Business Owner will be accountable for achieving the project benefits. RBWM will maintain a register of project financial / efficiency savings (savings tracker). The information will be captured from the Full Business case and updated from the Project Closure report together with any subsequent actions identified in the Closure report.
- 4.20. The general approach to the implementation of these proposals should follow "agile principles" in order to ensure that any changes are practical, as simple as possible, add real value (particularly in terms of reduced risks) and avoid unnecessary effort. It will be implemented in a phased build up over time.
- 4.21. The use of external as well as internal project management roles will continue. However, there will be additional commercial guidelines to ensure compliance with the RBWM project / programme management principles and procedures.
- 4.22. The main system components needed to support the new approach, and to minimise administrative burden, will need to be defined but are likely to include:
 - A corporate project register;
 - A mechanism for capturing project status reports;
 - A common structured repository for associated project documents including completed reports, business cases etc.;
 - Guidance on the procedures and templates, online;
 - Project information access and retrieval facilities;
 - Report generation provisions;
 - Dashboard for summary, highlights and exceptions across the corporate projects' portfolio.

5. Management of the Berkshire Pension Fund and Partnership Arrangements

The Berkshire Pension Fund

- 5.1. RBWM is responsible for administering the Berkshire Pension Fund. As part of the annual audit of the fund the external auditor raised a number of concerns relating to the valuation of the fund and financial governance.
- 5.2. In respect of governance the concerns raised were:
- The minuting of meetings not being undertaken with appropriate rigour;
 - Interests not being appropriately registered;
 - Appointment of advisers not being transparent;
 - Roles and responsibilities of advisers not clear;
 - Electronic meetings not being adequately recorded;
 - Member level governance of the Fund is not clear.
- 5.3. RBWM agreed that the concerns needed addressing and appointed a local authority pension fund expert recommended by the LGA to determine a way forward. Following this work RBWM has appointed an experienced pension fund manager on an interim basis to oversee the improvements in governance required.

Partnership Arrangements

- 5.4. RBWM has a number of partnership arrangements in place that in some cases have been put in place quickly without appropriate consideration of value for money and how these can be reviewed. The governance arrangements are also unclear.
- 5.5. To address this the Managing Director commissioned a series of additional work-streams during the latter part of 2019/20 to determine that the most appropriate arrangements are put in place.
- 5.6. The partnerships under review are set out below.

Optalis

- 5.7. Optalis is a jointly owned company with Wokingham Borough Council that delivers Adults Social Care to both councils.
- 5.8. The service level agreement (SLA) for the services provided by Optalis and the shareholder agreement are unclear and the original business case for RBWM purchasing shares in the company has not been fulfilled.
- 5.9. Given that this company is responsible for the largest area of Council spending the arrangements need to be reviewed to ensure it is providing

value for money and is the most appropriate delivery model for the future. The SLA and shareholder agreement needs to be reviewed.

Achieving for Children

- 5.10. Achieving for Children is a Community interest Company providing services to Kingston, Richmond and the Royal Borough of Windsor and Maidenhead.
- 5.11. RBWM has benefited from being part of the company in that service standards have improved to such an extent that Ofsted rated them as good in 2020.
- 5.12. There does though need to be more clarity over the financial arrangements with the company and how financial information is reported.
- 5.13. Since the services have transferred to the company the quality of the service has improved significantly with formally OFSTED recognising the improvements. However the service has significantly overspent and savings haven't been delivered.
- 5.14. RBWM has subsequently commissioned a review of delivery options for AfC and Optalis to assist it in developing a more robust medium term financial strategy.

6. Conclusions

Revenue Budget Approval

- 6.1. Key budget decisions did not comply fully with statutory requirements (e.g. revenue budget s25 report);
- 6.2. Budget reports lacked detail and only provided a cursory assessment of the robustness of reserves and spending projections that did not reflect the complexity of RBWM's business;
- 6.3. Key items within the budget (e.g. special expenses) lacked transparency and annual review;
- 6.4. The precept increase was calculated incorrectly, which resulted in a potential loss of council tax income of over £152,000 in 2019/20.

Inadequate Reserves

- 6.5. The assessment of the required level of financial reserves was flawed;
- 6.6. While the assessment considered potential service risks it did not take into account the level of reserves that may be required to balance the budget over two to three years;
- 6.7. There was insufficient explanation about how RBWM was managing one of the lowest level of reserves nationally.

Robustness of Estimates

- 6.8. Budget reports were overly optimistic about the achievement of savings and almost never reflected negative issues or highlighted problems;
- 6.9. Reserves were used during the year to meet the cost of "unforeseen" in year pressures, rather than looking at ways to manage these pressures within the allocated budget. This further weakened RBWM's financial position;
- 6.10. Council Officers did not fully understand the risks surrounding business rates retention or consider how these could impact on the budget and its reserves;
- 6.11. Key assumptions were not set out clearly within budget reports i.e. the use of one-off resources. This meant that the necessary approval was not therefore sought to use these resources;
- 6.12. Bad debt provisions were inadequate and unrealistic given the level of outstanding debt. Their potential impact on reserves was not highlighted or taken into account when the level of reserves was assessed.

Medium Term Financial Strategy

- 6.13. RBWM did not have a robust and transparent medium-term financial strategy;
- 6.14. There was a lack of clarity over the medium to long term financial position RBWM faced;
- 6.15. The projections that existed were overly optimistic and did not highlight the significant funding risks that RBWM faced;
- 6.16. There was no clear context for the medium-term financial projections to link them to the overall objectives of RBWM as set out within the Corporate Plan;
- 6.17. The lack of a robust medium-term financial strategy made it difficult for RBWM to make sound medium-term financial decisions.
- 6.18. Forecasting of future capital receipts was wildly optimistic and had no relationship to what happened. Future receipts were assumed and used to justify spend in advance of being delivered.

Budget Monitoring

- 6.19. RBWM did not receive transparent budget monitoring information;
- 6.20. There were delays in reporting budget variances and risks to members;
- 6.21. Financial reporting was overly reassuring;
- 6.22. Officers appeared overly sensitive in providing bad news about RBWM's financial position and the poor publicity that it would bring to RBWM.

Treasury Management

- 6.23. RBWM did not have a compliant Treasury Management Strategy (TMS);
- 6.24. The TMS did not highlight the significant risk of borrowing plans which involved £167m of temporary borrowing by 2020/21;
- 6.25. Information on Treasury Management and borrowing levels was not set out in sufficient detail within a standalone report;
- 6.26. Reports were not transparent about the level of additional borrowing that RBWM was undertaking or the impact of that borrowing on the medium-term financial plans;
- 6.27. Council Officers did not seek external professional advice on borrowing levels, even when the increased level of borrowing presented a significant financial risk to RBWM;

6.28. This meant that officers did not take the opportunity to reduce financial risks by converting more council borrowing to fixed rates. (The Covid 19 national emergency means that this has not caused any loss to RBWM).

Capital Strategy

6.29. RBWM did not have a compliant Capital Strategy;

6.30. The Capital Strategy did not clearly set out RBWM's investment plans and now they aligned to its Corporate Plan and objectives;

6.31. The Strategy failed to show how it would prioritise competing demands for capital investment or set a long-term vision for capital investment;

6.32. The Capital Strategy failed to assess the affordability and deliverability of capital investment plans;

Clewer and Dedworth capital scheme

6.33. Members were able to circumvent RBWM's approved policy framework to include additional schemes in the capital programme without appropriate challenge from Officers;

6.34. This indicates a lack of clarity and clear division between member and officer roles;

6.35. Schemes appeared in the Capital Programme with no business case;

6.36. Officers lack of awareness of basic governance procedures and not raising concerns with RBWM's Monitoring Officer or asking for advice led to procedures being by-passed;

6.37. There was a lack of action by the s151 Officer when it became apparent that non-approved expenditure in Parks was being charged to the scheme. The failure to consider that officers could be acting beyond the authority set out in RBWM's constitution is also an area of great concern and raises questions regarding potential Ultra Vires expenditure;

6.38. Overall there was a lack of transparency around the financial implementation of capital schemes.

7.Improvements already implemented in response to initial findings

7.1. RBWM put in place measures that ensure that they comply with all applicable local government financial legislation, regulations and codes of practice

- The [2020/21 budget report, Treasury Management Strategy and Capital Strategy](#) now comply with financial legislation, regulations and codes of practice. As does the requirement to produce a Treasury Management Outturn report and six month review.
- It is a robust budget and includes a contingency for unforeseen items and cover against slippage or non-delivery of savings.
- The budget report also set out the appropriate approval of Special Expenses for non-parished areas.
- The increase in Council Tax and the Adult Care precept was properly applied.

7.2. A fundamental review of the financial resilience of RBWM was undertaken that includes both the medium term financial plan and the capital programme

- This review was undertaken as part of the budgeting and medium term financial strategy process. A review was also undertaken of the capital programme and only essential works agreed. The budget report set's out in its introduction:
 - RBWM is facing a significant financial challenge
 - The position for the Royal Borough is more acute than other councils, due to its very low level of reserves. These are barely adequate to cover its current risks and are insufficient to cover future projected funding shortfalls in 2021/22 and beyond
 - If RBWM cannot set a balanced budget in 2021/22 or if its financial position markedly deteriorates in 2020/21 to a point reserves did not cover any overspend, RBWM S151 Officer would have to issue a s114 notice
- Staff and Members, through internal communications and presentations are fully aware of the financial position of RBWM. Something that was not apparent prior to September 2019.
- RBWM is embarking on a radical transformation programme with support from CIPFA and the LGA in order to address its financial challenges going forward.

- RBWM's MRP policy and capitalising interest for schemes in progress meant a saving in 2019/20 of £1.7m and £1.9m in 2020/21.
- The use of flexible capital receipts and approval of a transformation fund also meant that RBWM could charge redundancy costs linked to its savings in 2019/20 and 2020/21. This reduces the charge on revenue by £0.3m in 2019/20 and £0.5m 2020/21.
- These two initiatives enabled RBWM to maintain its general reserve level at £7.9m at the start of 2020/21 rather than reduce it further to an inadequate £3.5m.
- As part of its COVID-19 response it had early discussions with MHCLG on the financial risks the crisis would have on its finances.
- Although the financial position is difficult RBWM is now doing all it can to ensure its future financial resilience.

7.3. The role and support to the s151 Officer is reviewed

- RBWM implemented a new management structure in October 2019 which included a new Strategic Director of Resources with s151 responsibility with the same status as the other Strategic Directors. This was in addition to the Head of Finance post that operated at a lower, Head of Service level. In addition a further £100k was added to the finance team's budget for additional posts previously deleted. The finance team will undergo a further review in 2020/21 to ensure it meets the needs of the organisation.

7.4. A detailed review of the way financial management operates within the Royal Borough is undertaken as a matter of urgency

- A series of work was carried out over the period September 2019 – March 2020 to coincide with the start of the new Director of Resources at the end of February. A lot of improvements have been implemented, particularly in respect of improved transparency of financial reporting and compliance. This has been recognised by senior members from all political groups. It is recognised that this will be an iterative process and there is an expectation that things will continue to improve over the course of 2020/21, particularly when the new Head of Finance starts in June 2020.
- The Finance team have been pro-active in organising budget manager training sessions for both revenue and capital.
- Financial Regulations have been updated, although greater awareness and compliance needs to occur going forward.

8. Further Recommendations

- 8.1. RBWM has made good progress in resolving the weaknesses in financial governance but it will take time and a change in culture to embed the changes. Members have been understanding of the improvements required but there is an expectation of continuous improvement over the next 12 months, led by the new Director of Resources and Head of Finance. Together they will oversee the improvements and outstanding actions set out below.

Review of Medium Term Financial Strategy

- 8.2. The strategy needs to be updated to take account of the impact of Covid-19, the decision of government to delay the implementation of Fair Funding and the increased business rate deficit.
- 8.3. It is likely this will put further pressure on RBWM, increasing the current estimate of savings above £4m, potentially significantly above available reserves.
- 8.4. Many other councils will be in similar positions and it is to be determined whether government will give further support to Local Government in these unprecedented times.
- 8.5. RBWM though needs to be clear of its budget gap going forward and how much it can deliver from transformation, service reductions and efficiency savings.

Transformation Resource

- 8.6. The Council agreed to invest in Transformation resources to enable it to identify additional efficiencies through new ways of working. It needs to embed this work and pursue its commitment through the course of the year.

Capital Programme Management

- 8.7. A new Capital Programme board needs to be established, chaired by either the Director of Resources or Head of Finance to drive through the improvements in governance.
- 8.8. The capital programme is reviewed to ensure all schemes have appropriate and robust business cases, have clear delivery outcomes and that risks are appropriately managed. These improvements will be part of the changes overseen by the capital programme board.
- 8.9. Reporting of slippage in spending needs more pro-active challenge from the finance team through the year and managers need to be accountable for failing to deliver schemes to agreed timescales and not reporting slippage in spend.

Further Review of Financial Management

- 8.10. This will be undertaken by the new Head of Finance and will build on the work already undertaken, particularly in respect of challenge and compliance.
- 8.11. RBWM has a good IT system to manage its finances that has been implemented successfully by the finance team. A series of training programmes has been started with budget managers to ensure that they use the systems appropriately. This work needs to be embedded.
- 8.12. Only around 25% of transactions have a purchase order raised. For a number this is not necessary, foster care payments and utility bills for example. A review though needs to be undertaken to ensure that all goods requiring a purchase order have one.
- 8.13. A new financial model for the medium term financial planning needs to be developed for forecasting costs, savings and different scenarios. The current model was developed some years ago and understanding of how it works is limited to one individual. There are a number of linked cells, various linked work-sheets, some errors in particular cells and any update requires the use of the goal seek function to ensure the spreadsheet balances. The risk of error is high and understanding of what assumptions have been taken low.

Control Account Reconciliations

- 8.14. There are two large unreconciled balances over £1m relating to bank reconciliation and Housing Benefits that go back a number of years. One a credit and one a debit. The finance team and Internal Audit have undertaken significant work to resolve the differences and given the lack of historical records cannot go any further. The amounts need to be written back to the revenue account and reported to Members.
- 8.15. A further review of bank reconciliations and control accounts need to be undertaken to ensure that they are regularly balanced and there is independent verification and assurance that they do.

Debt Management

- 8.16. Debt is managed through the Revenues and Benefits team. There is limited reporting and review by services and the wider finance team. Provisions for bad debt are not regularly reviewed for appropriateness, e.g. Housing Benefit overpayments. There is a lack of resources and senior oversight of debt.

Council Tax and Business Rates Collection Fund

- 8.17. There is a lack of understanding in the finance team of how the collection fund operates. RBWM have commissioned a separate review of how this is being managed, the recommendations of which will need to be taken forward when completed.

Equalities Impact Assessments

- 8.18. Equalities impacts are produced for each of the budget proposals. These were produced late on in the budget process and CIPFA had to provide support to produce a cumulative equality impact assessment for the budget report. Something that hadn't previously been undertaken.
- 8.19. A central equalities resource needs to be established to ensure that the assessments are completed in a timely, consistent manner and that a cumulative assessment is undertaken that can be reviewed as part of the scrutiny process.

Management of Partnership Arrangements

- 8.20. The reviews of the Pension Fund, Optalis and AfC need to be completed and their recommendations implemented.
- 8.21. RBWM need to consider some of their other partnership arrangements not subject to procurement to ensure that they are providing value for money and that this is kept under review. These should include the wholly owned Property Company and the shared Internal Audit service. Despite the weaknesses in the control framework neither the Internal Audit Service, nor until the recent change, the External Auditor highlighted the problems covered in this report.

Member Oversight

- 8.22. The report highlights a lack of clarity between member and officer roles. It is essential that this clarity exists to enable RBWM to operate effectively. Accordingly it is recommended that the current Protocol Governing member and officer relationships is reviewed in the light of this report and additional training is provided to all officers and members once this protocol has been revised.
- 8.23. The audit committee was merged with the Corporate Overview and Scrutiny panel. Given the number of financial governance issues and the different roles of Scrutiny and Audit it is recommended that an independent Audit Committee is established, potentially with an independent chair.

Key Members and Officers Interviewed for initial work

Officers

Duncan Sharkey	Managing Director
Rob Stubbs	Head of Finance (s151 Officer)
Mary Severin	Monitoring Officer
Andy Jeffs	Executive Director of Communities
Hilary Hall	Director of Strategy and Commissioning
Ruth Watkins	Chief Accountant
Zarqa Raja	Corporate Accountant
Stuart Taylor	Lead Accountant – Adults & Health
Ben Smith	Head of Commissioning
Vikki Roberts	Principal Communities Officer
Catherine Hickman	Lead Specialist, Internal Audit

Members

Councillor Dudley	Leader of RBWM
Councillor Hilton	Lead Member for Finance
Councillor Targowski	Chair of Overview and Scrutiny

Further Work From September 2019

Further Work

Further work commenced in September 2019 with a number of CIPFA specialists assisting the finance team in improving financial governance, compliance and ensuring more transparent reporting. This work culminated in supporting RBWM approve a new Medium Term Financial Strategy and a more transparent budget report that was welcomed by both the lead and opposition parties. Additional areas of work included:

- Revising the content and format of budget monitoring reports
- Identifying additional gaps in the planned 2020/21 budget enabling RBWM to consider additional savings
- Revised Annual Governance Statement for 2018/19
- A new Treasury Management Strategy, outturn report for 2018/19 and mid-year report for 2019/20
- Update and publication of planned capital receipts supporting the capital programme
- Update of RBWM's Minimum Revenue Provision Policy, approved at December 2019 Council
- Re-prioritisation of the capital programme
- Recommended improved governance procedure for capital
- Capital Training for finance and managers
- Re-classification of revenue spend incorrectly coded as capital
- Pensions fund governance
- Re-writing financial regulations

Agenda Item 5

WORK PROGRAMME - CORPORATE OVERVIEW AND SCRUTINY PANEL

DIRECTORS	<ul style="list-style-type: none"> • Duncan Sharkey (Managing Director) • Russell O'Keefe (Executive Director) • Adele Taylor (Director of Resources)
LINK OFFICERS & HEADS OF SERVICES	<ul style="list-style-type: none"> • Elaine Browne (Head of Law) • Nikki Craig (Head of HR, Corporate Projects & ICT) • Catherine Hickman (Lead Specialist Audit and Investigation) • Barbara Richardson (Managing Director RBWM Property Co) • Ruth Watkins (Chief Accountant and Deputy S151 Officer) • Karen Shepherd (Head of Governance)

POTENTIAL MEETING – TBC AUGUST 2020 IF NEEDED TO CONSIDER REMAINING JULY ITEMS – THESE MAY GO TO A NEW AUDIT COMMITTEE IN SEPTEMBER 2020.

MEETING: 29th SEPTEMBER 2020

ITEM	RESPONSIBLE OFFICER
Annual Complaints Report	Nikki Craig , <i>Head of HR, Corporate Projects & ICT</i>
Q1 Performance Report	Rachel Kinniburgh , <i>Strategy and Performance</i>
Annual Governance Statement; Progress report – Member/Officer Roles and Responsibilities	Duncan Sharkey , <i>Managing Director</i> Mary Severin , <i>Monitoring Officer</i>
Work Programme	Panel clerk
TASK AND FINISH	
Highways contract outsourcing	Hilary Hall and Ben Smith

MEETING: TBC OCTOBER/NOVEMBER 2020

ITEM	RESPONSIBLE OFFICER
Corporate Transformation Paper	
Key Risk Report (Bi-Annual)	Steve Mappley , <i>Insurance and Risk Manager</i>
Work Programme	Panel Clerk

MEETING: 26th JANUARY 2021

ITEM	RESPONSIBLE OFFICER
Budget Report	Lead Officers and Finance
Annual Scrutiny Report (Draft)	Chairman and Lead Officers
2020/21 Interim Audit and Investigation Report	Catherine Hickman , <i>Lead Specialist Audit and Investigation</i>
Q2 Performance Report	Rachel Kinniburgh , <i>Strategy and Performance</i>
Work Programme	Panel clerk

MEETING: 19th APRIL 2021

ITEM	RESPONSIBLE OFFICER
Annual Scrutiny Report (Final version for approval and submission to Full Council)	Chairman and Lead Officers
Key Risk Report (Bi-Annual)	Steve Mappley , <i>Insurance and Risk Manager</i>

Q3 Performance Report	Rachel Kinniburgh, <i>Strategy and Performance</i>
Work Programme	Panel clerk

ITEMS SUGGESTED BUT NOT YET PROGRAMMED

ITEM	RESPONSIBLE OFFICER
Maidenhead United – Request for Relocation	Russell O’Keefe, <i>Executive Director</i>

The Terms of Reference for the Corporate Overview and Scrutiny Panel can be found at the following link:
<https://rbwm.moderngov.co.uk/ecSDDisplay.aspx?NAME=SD558&ID=558&RPID=4678919>

Agenda Item 7

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

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Agenda Item 8

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

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