

Public Document Pack

LICHFIELD DISTRICT COUNCIL

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9 May 2022

To: Members of the Lichfield District Council

In accordance with Paragraph 4(2) of Part 1 of Schedule 12 to the Local Government Act 1972, you are hereby summoned to attend the Annual meeting of the Lichfield District Council which will be held in the Council Chamber, District Council House, Frog Lane Lichfield on **TUESDAY, 17 MAY 2022 at 6.00 pm.**

Access to the Council Chamber is via the Members' Entrance or the main door to the vestibule.



Chief Executive

A G E N D A

1. Apologies For Absence (if any)
2. Declarations Of Interest
3. Election of Chair of the Council for the ensuing year (followed by declaration of acceptance of office)
4. To Approve as a Correct Record The Minutes of the Previous Meeting 3 - 10
5. Election of Vice-Chairman of Council for the ensuing year (followed by declaration of acceptance of office)
6. Chairman's Announcements
7. Report of the Leader of the Council on Cabinet Decisions from the Meeting held on 10 May 2022 and Cabinet Member Decisions To Follow
8. Minutes of the Planning Committee

The Chair of the Planning Committee to move that the proceedings of the meeting held on 4 April 2022 be received and where necessary approved and adopted.
11 - 14

9. Minutes of the Audit & Member Standards Committee

The Chair of the Audit & Member Standards Committee to move that the proceedings of the meeting held in the 20 April 2022 be received and where necessary approved and adopted.
15 – 18

10. Report of the Chair of Audit and Member Standards Committee
To receive the annual report of the Chair of Audit & Member Standards Committee
19 - 26
11. To Consider Any Recommendations Made at the Meeting of Cabinet on 10 May 2022 in Connection with the Appropriation of Stychbrook Park To Follow
12. Report of the Chair of Overview & Scrutiny Committee
To receive the annual report of the Chair of Overview & Scrutiny Committee
To Follow
13. Membership of Cabinet, Committees, Panels and other appointments (including allocation of seats and appointments by political groups)
 - (a) To agree the political allocation of seats on committees and panels
 - (b) To receive from the Group Leaders a list of appointments to the Cabinet, committees and panels subject to no Member being disqualified from serving due to a conflict of interest
 - (c) To agree that the Constitution be amended to reflect any changes made.
To Follow
14. Election of Chairs and appointment of Vice-Chairs of Committees, Panels etc.
 - (a) The Leader of the Council to move that the Chairs and Vice-Chairs of committees and panels etc. be as submitted.
 - (b) To appoint the Chair of the Overview & Scrutiny Committee.
To Follow
15. Appointment of Representatives on Outside Bodies
To consider and approve the appointments of representatives on outside bodies.
To Follow
16. Questions
To answer any questions submitted under procedure rule 11.2.

COUNCIL

12 APRIL 2022

PRESENT:

Councillors Gwilt (Chair), Greatorex (Vice-Chair), Anketell, Baker, Ball, Barnett, Birch, Checkland, Cox, Cross, Eadie, Eagland, D Ennis, L Ennis, Grange, Ho, Humphreys, Lax, A Little, E Little, Marshall, Matthews, Norman, Parton-Hughes, Powell, Pullen, Ray, Robertson, Silvester-Hall, Mrs Tranter, Strachan, Tapper, Warburton, Warfield, Westwood, White, M Wilcox, S Wilcox, A Yeates and B Yeates

78 APOLOGIES FOR ABSENCE (IF ANY)

Apologies for absence were received from Councillors Banevicius, Evans, Leytham, Salter, Smith and Spruce.

79 DECLARATIONS OF INTEREST

Mark Hooper and Christine Lewis declared a pecuniary interest in item 10, Appointment of Monitoring Officer, as the item related to their posts.

80 TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE PREVIOUS MEETING

The Minutes of the Meeting held on 22 February 2022 were approved as a correct record.

81 CHAIRMAN'S ANNOUNCEMENTS

The Chair commended the charitable work Councillor Pullen had been doing in connection with the Ukraine crisis.

Councillor Pullen hoped that Councillors and Citizens would welcome the Ukrainian people arriving in Lichfield. Councillor Eagland asked if information could be shared to Councillors on how residents could help or donate.

82 REPORT OF THE LEADER OF THE COUNCIL ON CABINET DECISIONS FROM THE MEETINGS HELD ON 8 MARCH AND 5 APRIL AND CABINET MEMBER DECISIONS

Councillor Pullen submitted his report on Cabinet Decisions from the meetings held on 8 March and 5 April 2022 and Cabinet Member Decisions.

83 MINUTES OF THE OVERVIEW AND SCRUTINY COMMITTEE

Councillor Norman submitted the Minutes of the Overview and Scrutiny Committee held on 17 March 2022.

Councillor Roberts noted that a Task Group had yet to be set up to review the Council Community Fund and he hoped that this would be actioned before the next Council meeting.

Councillor Norman advised that there had been a delay but progress was now being made.

84 MINUTES OF THE PLANNING COMMITTEE

It was proposed by Councillor Marshall, seconded by Councillor Baker and

RESOLVED: That the Minutes of the Meetings of the Planning Committee held on 7 March 2022 be approved and adopted

85 MINUTES OF THE REGULATORY AND LICENSING COMMITTEE

It was proposed by Councillor B Yeates, seconded by Councillor Barnett and

RESOLVED: That the Minutes of the Meeting of the Regulatory and Licensing Committee held on 9 March 2022 be approved and adopted.

86 MINUTES OF THE EMPLOYMENT COMMITTEE

Councillor Robertson commented that he was happy to see the real Living Wage mentioned but would like to see a stronger commitment to it, as paying staff less than this wage was inconsistent to LDC's Wellbeing and Belonging Strategy.

It was proposed by Councillor Matthews, seconded by Councillor Warburton and

RESOLVED: That the Minutes of the meeting held on 30 March 2022 be approved and adopted.

87 APPOINTMENT OF MONITORING OFFICER

Members were advised that the Local Government and Housing Act (1989) obliged the Council to nominate one of its officers as a Monitoring Officer.

It was proposed by Councillor Lax, seconded by Councillor Powell and

RESOLVED: (1) That the designation of Mark Hooper, Governance Manager as the Monitoring Officer be approved.

(2) That the designation of Christine Lewis, Principal Governance Officer as the Deputy Monitoring Officer be approved.

(MARK HOOPER AND CHRISTINE LEWIS DELCARED A PECUNIARY INTEREST AND LEFT THE ROOM DURING CONSIDERATION OF THIS ITEM)

88 PAY POLICY STATEMENT

Members noted the Council's duty under Section 38 of the Localism Act 2011 to prepare and publish an annual Pay Policy Statement and gave consideration to the updated Pay Policy Statement for 2022.

Councillor Robertson stated that nearly 10% of employees were earning less than the real Living Wage and asked that these salaries be re-examined.

Councillor White commented that LDC was compliant with the National Living Wage standards which are set by government.

It was moved by Councillor Pullen, seconded by Councillor Marshall and

RESOLVED: That the updated Pay Policy Statement as submitted be approved for publication.

89 UPDATE TO THE CONSTITUTION (SCHEME OF DELEGATION)

It was proposed by Councillor Lax, seconded by Councillor Pullen and

RESOLVED:(1) That the Head of Operational Service be delegated:

“Powers and functions of the Council in relation to Street Trading in Council owned parks and public open space”

(2) That the delegation to the Head of Regulatory Services, Housing & Wellbeing be amended to:

“The power to suspend or revoke private hire/taxi licences.”

90 QUESTIONS

Questions under Procedure Rule 11.2 for Council

Q1. Question from Councillor Anketell to the Cabinet Member for Climate Change & Recycling

“In December 2019 Lichfield District Council declared a climate emergency and to become carbon neutral by 2050.

What communications has he had with the Cabinet Member for the Local Plan, council officers and others about finding ways under current powers to encourage or incentivise future planning applications for housing and other buildings in Lichfield District to include solar PVs on their roofs and/or walls in order to help reach that target?

This is particularly urgent in the light of the recent IPCC report that the current plans of the UK government mean that the UK will fail to meet even its own inadequate targets in our acknowledged climate emergency.”

Response from the Cabinet Member for Climate Change & Recycling

“Cllr Anketell may wish to familiarise himself with the Local Plan 2040 review and in particular Local policy SD2: Renewable and low carbon energy and Strategic policy 10 (SP10): Sustainable development.

These identify this council's support for solar, wind and other renewable energy sources in future developments to make a positive and marked contribution to moving towards a zero-carbon economy. The Local Plan 2040 states that new development should reduce energy consumption through sustainable approaches to building design and layout, such as through the use of low-impact materials and high energy efficiency; and incorporate renewable or low carbon energy technologies, where appropriate.

The Cabinet member for the Local Plan will be looking, after submission of our Local Plan 2040 for public examination, to work with officers to bring forward a review of our current Supplementary Planning Documents to look at what further measures we can introduce, to add to what is already set out in the Local Plan 2040 document.”

Councillor Anketell asked the following Supplementary Question:

Councillor Antetell referred to measures used elsewhere to encourage the installation of solar power in new buildings and asked “Does the Cabinet Member not wish to fulfil his brief on Climate Change?”

Response from the Cabinet Member for Climate Change & Recycling

“Thank you for the question. I can assure you that we are looking all the time at how we can make things better, make things greener. So, one of the things we’re looking at is solar power. We are looking to put solar panels in our green fields and on buildings. This is something that worries me but it’s something that we possibly need to do but it’s finding that fine line where we can do both.

I’d love to see the documentation and the information you’ve got from Bristol and anything else. There are already councillors here sending me information. I’m working with the officers all the time to make things a lot better for everybody. Thank you.”

Q2. Question from Councillor Norman to the Cabinet Member for Regulatory, Housing & Health

“At the last meeting of Council, in reply to my concern over the support he gave an application in Lichfield City that was recommended for refusal by our Planning Officers, the Chair of the Planning Committee said: “It became obvious to me that there was a very, very strong tide of opinion which was very much for the application” and that “If I had not expressed an opinion at that point the Planning Committee would not have been fulfilling its role to represent the views of the people of the District.”

Does the Cabinet Member for Regulatory, Housing & Health agree with him that the popularity of an application might legitimately override the planning considerations, both local and national, that I understood were the main considerations that members of a planning committee should consider?”

Response from the Cabinet Member for Regulatory, Housing & Health

“I would draw attention to the House of Commons Briefing Paper No 01030 issued 30 August 2019 titled: “Must planning committees follow officers’ advice in reaching decisions” and section 3 Probity in Planning.

“3.1 The Nolan Committee

The Nolan Committee, reporting on standards in public life in 1997, argued that councillors should be more willing to take decisions against the advice of officers:

“Paragraph 286: It should be firmly stated that there is nothing intrinsically wrong if planning committees do not invariably follow the advice of officers. Planning officers exist to advise planning committees, which are entitled to reach their own decisions by attaching different weight to the various planning criteria which are relevant to an application. If a

decision is thought to be perverse, a planning officer should so advise the committee, but respect the committee's conclusion.”

I note in the particular application giving rise to this question, neither the senior planning Officer or the planning solicitor thought it necessary to advise the Committee they thought their decision was perverse. The representatives of the main Heritage Assets, the Cathedral and Erasmus Darwin supported the application. They strongly disagreed with Historic England's opinion that the development would have an overriding harmful impact on a number of heritage aspects.

The Briefing Paper continues:

“Paragraph 289: Councillors themselves may be influenced by feelings which do not derive from dispassionate examination of the planning issues. They may see themselves as leaders of local opinion rather than as judges, and they may even have been elected on a specific platform of opposing or supporting a particular development or type of development. In our view, if planning decisions by local authorities were to be regarded as quasi-legal decisions, in which councillors played a role similar to that of inquiry inspectors or judges, there would be no point in involving councillors in such decisions. They might as well be taken by planning officers, or by inspectors.”

“This conclusion surprised many in the planning field, mainly because they felt that the analysis did not take account of the main issue – the policy framework. The Sweet & Maxwell Planning Encyclopedia commented:

The missing element in the Committee's analysis is the policy framework within [which] decisions must be taken, comprising both national policy (now principally represented by the PPGs) and local policy (now principally represented by the development plan). It is the policy framework which places the greatest constraints upon councillors' ability to reflect local community interests. The principal reason for Britain's national policy framework, indeed, is the need to pursue objectives, such as housing targets, that will often override local community wishes. Part of the impetus for planning gain is that the practice, as with its counterparts in other countries, minimises the cost to local communities of accommodating growth that is the product of national forces. (Sweet & Maxwell Encyclopaedia of Planning Law and Practice, Monthly Bulletin August 1997 page 19)”

The main planning matter the committee were required to consider was the question of balance between public benefit and heritage assets. The purpose of the planning system is to ensure sustainable developments happen in the right place at the right time for the benefit of the economy and the local community.

The Members of the committee come from wards across the District and must be apolitical in their decision making.

The Members took the view the public benefit outweighed the heritage considerations. This is a genuine planning consideration that neither overrides national or local policy. Based on sound planning grounds I fully agree with the comments made by the Chair of Planning who in that role should remind the members of the key issues.

Quite often in making a planning decision it is a matter of weighing up competing issues. In so doing the members reached a different outcome to the recommendation, which they are fully entitled to do. The question is suggesting Committee Members should always follow a recommendation which begs the question, what is the point of having a Planning Committee of elected Members if they always follow the Officers' recommendations?”

Councillor Norman asked the following Supplementary Question:

“I’m interested in the Blue Hoardings Site in Burntwood which is designated as a town centre both in the Local Plan and in the Neighbourhood Plan. The Chair of Planning at the time spoke in favour of the developer, which was a planning application for housing, against this. In other words the Chair spoke against the Local Plan and the Neighbourhood Plan and I’d like to know if the Cabinet Member is happy with this?”

Response from the Cabinet Member for Regulatory, Housing & Health

“As reflected in my answer, I’m happy with the approach taken by the Chair on such matters. The question Councillor Norman put forward and his supplemental seem to suggest that at all times you follow all recommendations without due regard for all the planning policies and weighing up the pros and cons. My answer makes it clear that the role of each individual member of the Planning Committee is to weigh up the balance against competing interests and this is what is done throughout. So, I agree with the Chair and what he said at the meeting and I agree with him on what he said concerning Burntwood. Otherwise the members of the committee may as well not turn up and engage in the process of weighing up recommendations and balancing competing interests because that is what happens all the time in planning applications”

Q3. Question from Councillor Norman to the Chair of the Council

“At the last meeting of Council, which he chaired, I started to speak on the Labour amendment for a one-year council tax freeze at 1 hour and 16 minutes into the meeting and at 1 hour,19 minutes and 42 seconds in he ruled, despite my protestations, that I had, had my 10 minutes allowed [under Procedure Rule 15.4].

Can he explain why he misled the Council meeting?”

Response from the Chair of The Council

“Cllr Norman is of course correct; I apologise for cutting him short and at the next meeting of the Council I will be stepping down as Chairman”

91 EXCLUSION OF PUBLIC & PRESS

RESOLVED: That as publicity would be prejudicial to the public interest by reason of the confidential nature of the business to be transacted, the public and press be excluded from the meeting for the following items of business, which would involve the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972

IN PRIVATE

92 CONFIDENTIAL REPORT OF THE LEADER OF THE COUNCIL ON CABINET MEMBER DECISIONS

Councillor Pullen submitted his report on confidential Cabinet Member Decisions and answered Members questions.

93 CONFIDENTIAL MINUTES OF THE OVERVIEW AND SCRUTINY COMMITTEE

Councillor Leytham submitted the confidential Minutes of the Overview and Scrutiny Committee held on 17 March 2022 and answered Members questions

94 CONFIDENTIAL MINUTES OF THE EMPLOYMENT COMMITTEE

It was proposed by Councillor Matthews, seconded by Councillor Warburton and

RESOLVED: That the confidential Minutes of the meeting held on 30 March 2022 be approved and adopted.

(The Meeting closed at 6.42pm)

CHAIRMAN

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PLANNING COMMITTEE

4 APRIL 2022

PRESENT:

Councillors Marshall (Chair), Baker (Vice-Chair), Anketell, Barnett, Birch, Checkland, Cross, Evans, Ho, Humphreys, Matthews, Ray, Salter, Tapper and S Wilcox

38 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Evans.

39 DECLARATIONS OF INTEREST

Councillors Anketell, Baker, Checkland, Matthews and Ray declared personal interests in application no. 21/00288/FULM as they were also Members of Lichfield City Council who had registered objections on this application.

Councillor Ray declared a non-pecuniary interest in application no. 20/01245/FULM as he knew one of the landowners connected to the applicant company, however, he advised that he was not predetermined.

Councillor Marshall declared a personal and prejudicial interest in application no. 20/01245/FULM as some of the landowners are known to him. He therefore vacated the Chair and left the room whilst this application was discussed and debated, Councillor Baker, Vice-Chair took the Chair for this one item.

40 MINUTES OF PREVIOUS MEETING

The Minutes of the meeting held on 7 March 2022 previously circulated were taken as read, approved as a correct record and signed by the Chair.

41 PLANNING APPLICATIONS

Applications for permission for development were considered with the recommendations of the Chief Executive and any letters of representation and petitions of observations/representations received together with the supplementary report of observations/representations received since the publication of the agenda in association with Planning Applications 21/00288/FULM and 20/01245/FULM

21/00288/FULM – Demolition of existing buildings and erection of 13 residential dwellings with associated road works, parking and landscaping
Land at Rosaries, Trent Valley Road, Lichfield, Staffordshire
FOR: Mr B Johnson

RESOLVED: That this planning application be REFUSED for the following reasons:-

- (1) It has not been demonstrated that trees protected by Tree Preservation Order 2021/00461/TPO would not be detrimentally compromised as a result of the proposals, which, given their positive visual contribution, would have

a significant detrimental impact on the character of the area and the surrounding street scene contrary to the requirements of Core Policy 3 (Delivering Sustainable Development), Core Policy 13 (Our Natural Resources), Policies BE1 (High Quality Design) and NR4 (Trees, Woodland and Hedgerows) of the Lichfield Local Plan Strategy and the Trees, Landscaping and Development Supplementary Planning Document and the National Planning Policy Framework.

- (2) It has not been demonstrated that the development would not cause significant harm to existing habitats of protected species and, the scheme fails to demonstrate that a net gain to biodiversity can be achieved. As proposed the scheme of development therefore would cause harm to protected species and present a net loss to biodiversity and as such, fails to comply with the requirements of Core Policy 13 (Our Natural Resources), Policy NR3 (Biodiversity, Protected Species and their Habitats) of the Lichfield Local Plan, the Biodiversity and Development Supplementary Planning Document, the Natural Environment and Rural Communities Act and the National Planning Policy Framework. The development is not considered to be of a sustainable form which complies with the provisions of paragraph 38 of the NPPF.

(Prior to consideration of the application, representations were made by Mrs Helen Robertson (Objector), Councillor Angela Lax (Ward Councillor) and Ms Louise Hinsley of CT Planning (Applicant's Agent)).

20/01245/FULM - Installation of a solar farm comprising ground mounted solar PV panels (143,000) with a net generating capacity (AC) of up to 49.9MW, including mounting system, battery storage units, inverters, underground cabling, stock proof fence, CCTV, internal tracks and associated infrastructure, landscaping and environmental enhancements for a temporary period of 40 years and a permanent grid connection hub
Land South Of Main Road, Haunton, Tamworth, Staffordshire
FOR: Haunton Farmers Solar Ltd

RESOLVED: That this planning application be approved subject to the conditions contained in the report of the Chief Executive.

(Prior to consideration of the application, representations were made by Mr Roger Nicholls (Objector) and Mr Peter Grubb of Lighthouse Development Consulting (Applicant's Agent)).

42 TREE PRESERVATION ORDER NO. 2021/00455/TPO - LAND TO THE NORTH WEST WESTFIELDS ROAD, ARMITAGE

Confirmation of Tree Preservation Order no. 2021/00455/TPO – Land to the North West Westfields Road, Armitage.

RESOLVED: Tree Preservation Order confirmed with modifications, as set out in the report of the Chief Executive.

(Prior to consideration of the application, representations were made by Mr Watkin (Objector's Representative) and Mr Chris Bailey (Supporter)).

43 ENFORCEMENT PLAN UPDATE

The Planning Committee considered the updated version of the Planning Enforcement Plan at Appendix A and noted an in-depth review had been undertaken to ensure it is in line with current National legislation and guidance, reflects the resources within the Planning

Enforcement Team and is a more customer-friendly document.

RESOLVED:- The Committee considered and approved the updated Enforcement Plan April 2022 as no issues were raised and it was agreed that the Plan be adopted with immediate effect.

44 PRE-APPLICATION CHARGING REGIME - REVIEW AND UPDATE

The Planning Committee considered the report which sought approval for amendments to the current pre-application charging regime to increase the charges payable. It was noted that the charging regime had not been reviewed since 2017 and the current pre-application fee levels were inadequate to appropriately fund the service provided.

RESOLVED:- The Committee considered and noted the contents of the report and approved the increased pre-application fee charges, as set out in Appendix 1 and agreed that this be introduced with immediate effect (from 5 April 2022) for all relevant pre-application queries received from such date.

(The Meeting closed at 8.25 pm)

CHAIR

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AUDIT AND MEMBER STANDARDS COMMITTEE

20 APRIL 2022

PRESENT:

Councillors Spruce (Chair), Ho (Vice-Chair), Grange, Norman, Silvester-Hall, White and M Wilcox

Observer:

Officers in Attendance: Mark Hooper, Jane Irving, Will Stevenson, Anthony Thomas, Christie Tims, Andrew Wood

Also Present: Kirsty Lees (External Auditor), Avtar Sohal (External Auditor) Councillor Rob Strachan (Cabinet Member for Finance, Procurement and Revenues & Benefits)

97 APOLOGIES FOR ABSENCE

There were apologies from Councillor Robertson.

98 DECLARATIONS OF INTEREST

There were no declarations of interest during this item. However, Councillor White subsequently declared a personal interest during Item 11 (*Audit Plan (including Planned Audit Fee 2021/22)*) as the individual responsible for appointing the chairs of the Staffordshire pensions committee and Staffordshire pensions panel.

99 MINUTES OF THE PREVIOUS MEETING

The Minutes of the Meeting held on 3 February 2022, previously circulated, were taken as read and approved as a correct record.

100 ACCOUNTING POLICIES AND ESTIMATION UNCERTAINTY

Anthony Thomas (Head of Finance & Procurement) presented the report to the committee. It was noted that the report was similar to the previous year, with a relatively small number of changes highlighted within. Mr Thomas also highlighted that the Critical Accounting Judgements within the report were naturally subject to a degree of subjectivity involved with a reliance of surveyor's analysis. The committee were informed that later reports from the external auditors would also discuss some of the information covered in this item. However, these reports would be approaching the data from differing perspectives.

Members asked if the authority had received any preliminary views from actuaries as to what their analysis or assumptions would be in relation to the pension scheme. It was confirmed that nothing had been received so far.

Following members questions surrounding the calculation of average useful lives in relation to assets it was agreed that officers will look at disaggregating land value and building value to provide greater transparency.

Mr Thomas confirmed to members that recommendation 2.3 (To delegate to the Head of Finance and Procurement the ability to make further changes to the accounting policies to

reflect the subsequent release of new or updated guidance) was a delegation that would no longer be needed.

RESOLVED: (1) The committee agreed to remove recommendation 2.3 from the report.

(2) The committee approved the Council's proposed Accounting Policies and also approved the Council's approach to the Critical Accounting Judgements and Key Sources of Estimation Uncertainty.

101 CHAIR OF THE AUDIT COMMITTEE'S ANNUAL REPORT TO COUNCIL

Andrew Wood (Audit Manager) presented the report to the committee. Mr Wood highlighted that the attendance table would be updated following the meeting. The report details assurances in relation to internal audit, external audit, inspections, financial management, risk management and corporate governance.

The Chair noted that the authority had recently undergone a corporate peer challenge review, the results of which were largely positive. The Chair paid tribute to all committee members, citing this committee as the most effective he has worked on.

RESOLVED: The committee endorsed the Annual report of the Audit & Member Standards Committee 2021/22 and authorised the Chair to circulate the report to all Councillors.

102 ANNUAL REPORT OF THE AUDIT & MEMBER STANDARDS COMMITTEE

Mr Wood presented the report to the committee. He confirmed any weakness noted have been discussed with management and recommendations raised. It was noted that 82% of the plan has been completed at year end against a target of 90%, with a customer satisfaction score of 4.7 out of 5. The committee were assured that the irregularity mentioned in Appendix 1 had been investigated and the audit report in relation to this was currently being finalised, ready for circulation.

Members raised the importance of scrutiny in relation to payment card standards. These comments were taken on board and payment card standards will be included in an upcoming audit review.

RESOLVED: The committee noted the Internal Audit's Annual Report, including results for the quarter to 31 March 2022.

103 INTERNAL AUDIT PLAN, CHARTER & PROTOCOL 2022/23

The committee were informed that leadership team had been consulted on the Internal Audit Plan and that audit resources were focused into the higher risk areas of the council's arrangements. Mr Wood explained plans to conduct a review of internal processes, which will report back in July 2022. Changes to the charter and protocol were minor and highlighted in throughout.

Mr Wood assured the committee of his belief that the department has sufficient resources. He noted that whilst they are a small team, they operate in a larger environment and knowledge pool that can be drawn on regularly. He also explained that the number of audit days was determined by a variety of factors including report preparation, briefing, field work, drafting and signoff. However, these time scales are indicative, and days not utilised would be held in contingency for any additional instances that may arise later.

Members raised concerns about the possibility for fraud when providing payments for refugees. It was clarified that when dealing with these payments, judgements would not be taken on face value. Details of compliance would be required and issues noted at other councils would be focused on. The existing framework designed for Covid-19 grants will be built upon and further assurances can be provided to committee. However, members also highlighted that the authority has legal obligations, but also moral obligations on this matter.

RESOLVED: Members approved the 2022/23 proposed internal audit plan, charter and protocol.

104 RISK MANAGEMENT UPDATE

The committee were informed that monthly meetings had taken place with leadership team to update the risk register accordingly. SR1 has been rescored 6 to 9 in relation to uncertainty over the supply of goods and increasing energy costs. In relation to SR3, leadership team is continuing to monitor leavers from the authority to ensure resources are maintained. SR7 has also been rescored from 6 to 9 due to geopolitical risks. Whilst there has been a perceived increase in cyber security risks, the authority is working to ensure this is adequately managed. Members were informed that the authority is looking an external operator to test the security of existing services.

Members asked if there had been any consideration as to how the authority would continue supplying general services to residents in the event of a general war. Mr Wood stated that this has not been discussed specifically with leadership team, but he would subsequently take the issue forward with them.

The committee were assured that there are robust arrangements in place to remove staff from council systems when they leave the work force.

Mr Wood also confirmed that he has received the full support and respect of leadership when conducting his work.

RESOLVED: Members noted the risk management update and received assurance on actions taking place to manage the Council's most significant risks.

105 ANNUAL GOVERNANCE STATEMENT

Mark Hooper (Governance Manager & Monitoring Officer) presented the report to the committee. Mr Hooper highlighted a number of presentational changes undertaken this year in order to make the document more accessible. The Chair highlighted this as a very thorough document.

RESOLVED: (1) Members approved the Annual Governance Statement.
(2) Members delegated authority to the Chair and the Governance Manager to make further minor amendments to the Annual Governance Statement, prior to the inclusion of the final version in the Statement of Accounts.
(3) Members approved the Local Code of Corporate Governance for 2022/23.

106 THE ANNUAL AUDIT REPORT FOR LICHFIELD DISTRICT COUNCIL

This report was presented to the committee by Avtar Sohal (External Auditors) who noted that this report replaces the previous value for money commentary. The committee were informed that nothing had been identified as a significant weakness, although Covid-19 was brought into the report due to its significance as a national issue. In terms of strength, Mr Sohal stated LDC was at the upper end of councils his team are working with.

Members questioned the absence of the Overview & Scrutiny committee from the report and recommended that this be looked at very soon.

Members also questioned the description of £100,000 as a “*small cost*” in the report.

RESOLVED: Members noted the contents of the Annual Audit report.

107 AUDIT PLAN (INCLUDING PLANNED AUDIT FEE 2021/22)

Councillor White declared a personal interest as the individual responsible for appointing the chairs of the Staffordshire pensions committee and Staffordshire pensions panel.

Kirsty Lees (External Auditors) took the committee through select highlights of the report. She highlighted that this year, the finance team will be using new ledger system for the first time, which naturally heightened the risk level compared to the previous year. Value for money 2021/22 did not identify any risks or significant weakness, however, members were assured that if any are identified throughout the audit, the council will be informed.

Mr Thomas confirmed that internally there has been no adverse reaction from the implementation of the new ledger system.

RESOLVED: Members noted the contents of the Audit Plan.

108 INFORMING THE AUDIT RISK ASSESSMENT - LICHFIELD DISTRICT COUNCIL

Ms Lees presented the report to committee, explaining that management had previously been asked questions to inform audit planning. It was requested that members confirm the responses in this report are in line with their existing knowledge of the council.

RESOLVED: Members considered the responses enclosed and noted the contents of the report.

109 ACCOUNTING ESTIMATE MANAGEMENT SUMMARY

It was acknowledged by all that the contents of this report had been effectively covered during previous items. No further questions were raised by members.

RESOLVED: Members noted the contents of the Accounting Estimate Management Summary.

110 WORK PROGRAMME

Members noted that this was the last Audit meeting of the existing calendar and paid tribute to the committee Chair. The Chair and members also paid tribute to the work of Anthony Thomas and all officers involved with this committee.

RESOLVED: Members noted the contents of the work programme.

(The Meeting closed at 7.32 pm)

CHAIR

Annual Report of the Audit & Member Standards Committee 2021/22

1. Introduction from the Chair of the Audit Committee

The start of the financial year commenced with continued major uncertainty in many aspects of the Authority's operations, due to Covid-19 issues and the Council has continued to provide support to the local area through the management Covid Grants. The Committee has received assurance around the Council's response to Covid-19.

In relation to the committee's work, this has seen a transition to 'hybrid' working with officers working largely from home and utilising the new office spaces within Frog Lane. Committee meetings have been undertaken through a hybrid approach. The work of the Audit Committee meetings should be visible to members of the public and, as such, meetings have been held remotely via Zoom and broadcast live on YouTube streams. This availability appears to have been well received by a number of viewers.

The Annual Report's main purpose is to allow the Council to demonstrate to residents, stakeholders and partners, the significance of the Audit & Member Standards Committee's role and the positive contribution it has made to the Council's overall governance arrangements.

The internal audit programme completion level has been high when compared to the agreed plan and the number of concerns identified throughout the programme have been few. Members have been able to interrogate further where there have been instances of less than adequate assurances.

During the year the Council has undergone a Corporate Peer Challenge review and this has increased the levels of assurance obtained by the Council and Committee. This provided an opinion and conclusion on the governance arrangements within the Council and strong financial leadership. In addition the Peer Challenge identified that corporate risk is given a high profile in the Council.

Risk Management within the Council has been challenged by the Committee in relation to the levels of risks above the risk appetite of the Council and the concerns around Cyber Security. During the year regular quarterly updates were provided to Committee and responses gained from the Chief Executive and Leader of the Council. These responses provided assurance to the Committee.

As we ended the 2021/22 financial year, the District Council continued with Grant Thornton UK as its External Auditor.

During the year there have been continued arrangements put in place for the Internal Audit Shared Service arrangement with Tamworth Borough Council. This arrangement was renewed on 1st October 2021 and will complete September 2023.

The Committee has appreciated the support and assurance the audit personnel have given from these arrangements.

I am therefore thankful for all members and officers who have contributed to the work of the committee over the last 12 months. There will be continuing financial challenges facing us, as well as continuing our work to ensure the Council's overall governance framework remains fit for purpose.

Councillor Christopher Spruce,

Chair of the Audit & Member Standards Committee 2021/22 - April 2022

1. Terms of Reference

The terms of reference, which the Committee operated to during 2021/22, is detailed at Part 3 of the Council's constitution at the following link:

<https://democracy.lichfielddc.gov.uk/documents/s8011/Part%203%20Final%20v4.pdf>

2. Member and Officer Attendance

The Audit & Member Standards Committee met 5 times during the 2021/22 municipal year.

Membership of the Audit & Member Standards Committee during the 2021/22 municipal year and their attendance is detailed below:

Audit & Member Standards Committee Member	Date of Committee Meeting				
	22/07/21	22/09/21	11/11/21	03/02/22	20/04/22
Councillor Christopher Spruce	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	TBC
Councillor Wai-Lee Ho	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		TBC
Councillor Joanne Grange		<input checked="" type="checkbox"/>			TBC
Councillor Steven Norman	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	TBC
Councillor Dave Robertson	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	TBC
Councillor Janice Silvester-Hall		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	TBC
Councillor Alan White	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	TBC
Councillor Michael Wilcox	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	TBC

A number of the Audit & Member Standards Committee Members also sat on various other Committees. There were no reports received during the year that necessitated members absenting themselves.

Senior officers from the council also attend the Audit & Member Standards Committee meetings as appropriate, including the Head of Finance & Procurement (Section 151), Chief Operating Officer and the Audit Manager (Shared Service). The External Auditors also attend and the Cabinet Member for Finance, Procurement, Revenues & Benefits usually observes.

3. Training & Effectiveness

No specific Audit Committee training has taken place since November 2019, but this will be addressed this coming year following collation of information received in relation to a review of the Committee's effectiveness which will shape the future training and development of the Committee in 2022/23.

Due to the hard work and commitment of the Committee members during the year this has led to the committee being able to effectively carry out its role. This was further supported by the annual review of the Committee's effectiveness as reported in February 2022.

4. Sources of Assurance during 2021/22

In fulfilling its terms of reference, the business conducted by the Audit & Member Standards Committee during 2021/22 is detailed at **Appendix A** per the following themes: -

- Internal Audit;
- External Audit / Inspection;
- Financial Management;
- Risk Management;
- Corporate Governance;

The Committee gained assurance in 2021/22 from these themes as follows:-

Internal Audit

In respect of the 2020/21 financial year, a positive Internal Audit Opinion was given from the Shared Head of Audit as follows:

On the basis of our audit work, our opinion on the council's framework of governance, risk management and internal control is adequate in its overall design and effectiveness. Certain weaknesses and exceptions were highlighted by our audit work. These matters have been discussed with management, to whom we have made recommendations. All of these have been, or are in the process of being addressed.

External Audit / Inspection

The main responsibility of the External Auditor is to report on the Council's Accounts and whether the council has made proper arrangements for securing economy, efficiency and effectiveness in its use of resources. Grant Thornton reported on the 2020/21 Accounts. Due to the ongoing pandemic the Council is yet to receive Grant Thornton's finalised Annual Audit Report.

Financial Management

The Committee scrutinised the 2020/21 Statement of Accounts and also received assurances on the Council's financial management arrangements (e.g. treasury management, prudential indicators) from the Head of Finance & Procurement (Section 151 Officer). The Committee also received regular Internal Audit Progress Reports, including a number giving assurance on financial management and controls during the period. The Committee also received assurance on compliance against Financial Procedure Rules and Contract procedure rules.

Risk Management

The Committee has received quarterly updates on the Council's Risk Management arrangements via review of the Strategic Risk Register. The risk environment continues to develop following the progress made in respect of Covid-19 and together with Cyber Security has dominated the Council's risk management arrangements this year and will continue into 2022/23. The Council has aligned its strategic risks to the new Strategic Plan as well as introducing the 3 lines of defence model to risk management activities and has developed its sub strategic risk processes.

The Audit & Member Standards Committee also gained assurance around risk management and challenged management in relation to the approach taken in respect of cyber security.

The Council's current 8 strategic risks are as below, together with their position on the matrix.

		SR1, SR7	
	SR5, SR6	SR2, SR3, SR4, SR8	

Impact

- **SR1:** Pressures on the availability of finance may mean the Council is not able to deliver the key priorities of the strategic plan.
- **SR2:** Resilience of teams to effectively respond to a further serious disruption to services.
- **SR3:** Capacity and capability to deliver / adapt the new strategic plan to emerging landscape.
- **SR4:** Failure to meet governance and / or statutory obligations e.g. breach of the law.
- **SR5:** Failure to adequately respond to the wider socio-economic environment over which the Council may have little control, but which may impact on the growth and prosperity of the local area.
- **SR6:** Failure to innovate and build on positives / opportunities / learning arising (including from the Covid-19 situation) to maximise outcomes for the Council, e.g. technological solutions.
- **SR7:** Threat to the Council's ICT systems of a cyber-attack.
- **SR8:** Being a Better Council, The Council is not able to deliver the key priorities of the strategic plan. This risk is being reviewed at Leadership Team on 19 January 2022 and an update to the scoring will be provided.

Corporate Governance

The Annual Governance Statement (AGS) and review of effectiveness for the 2020/21 financial year, concluded that the effectiveness of the system of internal control was fit for purpose overall.

The Committee also:

- undertook a review of its own effectiveness in line with CIPFA good practice and confirmed that it continued to meet its terms of reference. The Committee also reviewed its skills. Consideration was given to whether appointing an Independent Person was necessary but the Committee concluded that it had sufficient skills and experience in the existing membership to be able to conduct its business effectively.
- received assurances on updates on the Council's Contract Procedure Rules and Financial Procedure Rules;
- received an update on the implications for the audit regime resulting from the Redmond Review; and
- received the annual report of the Monitoring Officer and Exceptions and Exemptions to Procedure Rules

Regular updates on the adequacy of the Council's counter fraud arrangements were also taken including the approval of the suite of counter fraud and corruption policies (counter fraud and corruption policy

statement, strategy and guidance notes; whistleblowing policy, anti-money laundering policy and prevention of tax evasion policy).

5. Conclusion

The Committee has been able to confirm that there were no areas of significant duplication or omission in the systems of governance in the authority that had come to the Committee's attention during 2021/22 that were not being adequately resolved.

Through members receiving this report, the role and purpose of the Committee has been promoted and it has demonstrated that the Committee has continued to perform, meet its terms of reference and added value. This work will continue in 2022/23 with the Committee's refreshed work programme.

Appendix A

Summary of Audit & Member Standards Committee Work Plan by Assurance Theme 2021/22

Meeting Date	Report	Assurance Theme				
		Internal Audit	External Audit / Inspection	Financial Management	Risk Management	Corporate Governance
22/07/21	Annual Treasury Management Report			<input checked="" type="checkbox"/>		
	CIPFA Resilience Index			<input checked="" type="checkbox"/>		
	Internal Audit Quarterly Progress Report	<input checked="" type="checkbox"/>				
	Quality Assurance & Improvement Programme/PSIAS	<input checked="" type="checkbox"/>				
	Risk Management Update				<input checked="" type="checkbox"/>	
	RIPA reports, policy and monitoring					<input checked="" type="checkbox"/>
	Model Code of Conduct					<input checked="" type="checkbox"/>
22/09/21	Statement of Accounts			<input checked="" type="checkbox"/>		
	Local Audit Update		<input checked="" type="checkbox"/>			
	Overview of Council's Constitution in respect of Financial Procedure Rules			<input checked="" type="checkbox"/>		
	Overview of Council's Constitution in respect of Contract Procedure Rules			<input checked="" type="checkbox"/>		
	Audit findings report 20/21		<input checked="" type="checkbox"/>			
11/11/20	Local Audit Update		<input checked="" type="checkbox"/>			
	Mid-year Treasury Management Report			<input checked="" type="checkbox"/>		
	Internal Audit Progress Report	<input checked="" type="checkbox"/>				
	Risk Management Update				<input checked="" type="checkbox"/>	
	Counter Fraud Update Report	<input checked="" type="checkbox"/>				
03/02/22	Treasury Management Statement and Prudential Indicators			<input checked="" type="checkbox"/>		
	Internal Audit Progress Report	<input checked="" type="checkbox"/>				
	Risk Management Update				<input checked="" type="checkbox"/>	
	Review of Audit Committee Effectiveness					<input checked="" type="checkbox"/>
	Audit Committee LDC Progress Report and update year ended 31 March 2022		<input checked="" type="checkbox"/>			

Meeting Date	Report	Assurance Theme				
		Internal Audit	External Audit / Inspection	Financial Management	Risk Management	Corporate Governance
20/04/2022	Accounting Policies and Estimation Uncertainty			<input checked="" type="checkbox"/>		
	Annual Governance Statement			<input checked="" type="checkbox"/>		
	Chair of Audit Committee Annual Report					<input checked="" type="checkbox"/>
	Annual report for Internal Audit 2021/22 (including year end progress report)	<input checked="" type="checkbox"/>				
	Internal Audit Plan, Charter & Protocol 22/23	<input checked="" type="checkbox"/>				
	Risk Management Update				<input checked="" type="checkbox"/>	
	Annual Report on Exceptions & Exemptions to Procedure Rules 2020/21					<input checked="" type="checkbox"/>
	Annual Report of Monitoring Officer - complaints					<input checked="" type="checkbox"/>
	Annual Letter for LDC from Local Government Ombudsman					<input checked="" type="checkbox"/>
	Annual Audit Letter		<input checked="" type="checkbox"/>			
	External Auditors Audit Plan 21/22		<input checked="" type="checkbox"/>			
	Informing the Audit Risk Assessment – LDC		<input checked="" type="checkbox"/>			

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