



Dear Councillor

CORPORATE GOVERNANCE COMMITTEE - WEDNESDAY, 22 JANUARY 2020

I am now able to enclose for consideration at the above meeting the following reports that were unavailable when the agenda was printed.

Agenda Item

No.

8. PROGRESS ON ISSUES ARISING FROM THE 2018/19 ANNUAL GOVERNANCE STATEMENT (Pages 3 - 18)

To receive a report on progress on introducing the key improvement areas contained in the 2018/19 Annual Governance Statement.

9. ANNUAL REPORT ON HDC COMPLIANCE WITH THE FREEDOM OF INFORMATION (FOI) & ENVIRONMENTAL INFORMATION REGULATIONS (EIR) ACTS (Pages 19 - 34)

To consider a report on requests for information received by the Council under the Freedom of Information and Environmental Information Regulations Acts and to highlight any issues encountered and actions to be taken to improve performance.

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Public
Key Decision - No

HUNTINGDONSHIRE DISTRICT COUNCIL

Title/Subject Matter:	Progress on Issues Arising from the 2018/19 Annual Governance Statement
Meeting/Date:	Corporate Governance Committee – 22 January 2020
Executive Portfolio:	Councillor J A Gray – Executive Councillor for Resources
Report by:	Corporate Director (People) on behalf of the Senior Leadership Team
Wards affected:	All Wards

Executive Summary:

Traditionally the Annual Governance Statement (AGS) contains an appraisal of risks and issues for which the Council itself is wholly responsible. In a climate of increasing partnership and public service reform, both the Executive Leader and Managing Director felt that this approach did not address the risks that are of greatest potential impact to the authority and the achievement of its objectives.

The 2018/19 AGS, built on the work started in 2017/18 and reflected a more strategic outlook by considering matters that could severely impair the Council's financial position and, therefore, its ability to function or identify new opportunities, whilst at the same time have direct impacts on our local communities. Consequently, the AGS contained five themes that will be required to be addressed across both 2018/19 and the forthcoming financial years.

1. Housing affordability
2. Morbidity/Growing number of years of ill health
3. Wider economic environment
4. Skills level and wider educational attainment
5. Partner agency operational pressures

Progress across the five themes has been mixed. A significant amount of work has been spent on housing affordability and addressing the causes of homelessness.

The five themes have been represented in the 2019/20 AGS although, supplemented by the addition of an additional risk around Environmental pressures and sustainability challenges faced by the local authority, they may be adapted in future to reflect current and forthcoming pressures.

Details of the action taken against each theme is set out in the attached report.

Recommendation:

It is recommended that the Committee note and take into account the progress that has been made in introducing the key improvement areas arising from the 2018/19 AGS when undertaking their 2018/19 governance review.

1. PURPOSE OF THE REPORT

- 1.1 This report informs the Committee of the progress that has been to date in introducing the five key improvement areas that were contained in the 2018/19 Annual Governance Statement (AGS).

2. WHY IS THIS REPORT NECESSARY?

- 2.1 The Committee need to be assured that sufficient action has been taken to deal with the five theme areas.
1. Housing affordability - *Leading to homelessness and constraining growth.*
 2. Morbidity/Growing number of years of ill health - *Impacting on people's ability to be self-reliant and generating additional cost through support needs.*
 3. Wider economic environment – *impact of Commercial Investment Strategy/Business rates receipts and level of need from residents.*
 4. Skills level and wider educational attainment - *as a means by which residents are able to attract profitable work and in attracting employers to the area.*
 5. Partner agency operational pressures - *financial challenges of partners impacting on demand for our services or reducing existing support.*
- 2.2 An extract from the 2018/19 AGS that sets out in detail the five themes and issues to be considered is included at Appendix 1.

3. ANALYSIS

- 3.1 When the five theme areas were first discussed by the Committee in March 2018, the Managing Director explained that central to the identification of the governance issues were the financial pressures likely to be exerted onto the Medium-Term Financial Strategy (MTFS). Subsequent events that have taken place elsewhere, notably the financial difficulties at Northamptonshire County Council, leading to its dissolution; and East Sussex Council, which is now focussing on delivering statutory services only, local financial challenges of the County Council and local Clinical Commissioning Group (CCG) together with national initiatives such as the fair funding review suggest that addressing the MTFS pressures was the correct approach to take. These challenges and the veracity of them was presented to Members by Aileen Murphie, Director for Local Government Value for Money at the National Audit Office, in September 2018.
- 3.2 Agreeing to address outward looking themes was a challenge for Senior Managers as the AGS had previously only required them to be concerned with dealing with (inward facing) issues that they could directly

address and control. Each theme is wide ranging and will be delivered only if a strategic and collaborative approach is taken. In this first year, the importance of building relationships and influence with partner colleagues cannot be underestimated. It is anticipated that the five themes will remain (albeit with slight amendments) for a number of years with outcomes building year on year.

3.3 The current position against each of the themes is summarised below.

1. Housing affordability

Leading to homelessness and constraining growth.

- a) The Council's Housing Strategy was reviewed and updated in 2019/20 so that it reflected the legislative requirements of the Homelessness Reduction Act 2017 that came into force during 2018. The Strategy encompass all four of the action points (see appendix 1) listed in the 2017/18 AGS. The Council's Homelessness Strategy is also in the process of being updated and is due to go to O&S (Customers & Partnerships) and Cabinet in February 2020.
- b) Outcomes from the 2018/19 Housing Strategy action plan were discussed by the O&S Panel 2018. Further progress against key actions is reported to Cabinet through the Corporate Performance Report on a quarterly basis. Highlights include the 405 successful homelessness preventions during 2018/19 and 272 homelessness preventions in the first half of 2019/20.
- c) An early prevention pilot has been underway since April 2018. The pilot aims to identify at an early stage those who due to life circumstances are at increased risk of future homelessness. A substantial amount of work has been undertaken to develop a number of pathways (e.g. referrals to Citizens Advice for debt management advice or EDGE for assistance with applying for jobs) to support and assist residents. This work continues to develop in partnership with the County Council and the wider public sector network. HDC are playing an active role within the Think Communities initiative, which is bringing all partners together to address statutory needs more holistically. Digital solutions have been developed are live in the community making it easier for residents to access preventative services when they need them and prevent poor outcomes such as homelessness. The early signs are this more targeted intervention is having positive results, but it is too soon to formally evaluate impact.
- d) Innovative use of Discretionary Housing Payments (DHP) to assist those who may be at risk of homelessness, to intervene and prevent a poor outcome continue. This use has included, support for tenants to move where their current property is unaffordable, for example, someone living in social housing and in rent arrears due to having their housing benefit payments reduced due to living in a property that has a spare bedroom (and classed as being under-

occupied) have had their rent arrears paid and been moved to a smaller property. This both frees up a property whilst reducing the possibility of future financial problems for the tenant.

- e) The Council continues to support the multi-agency group alongside local residents in the Huntingdon North ward to identify those who are vulnerable and may become homeless. The group is supporting a number of community groups (e.g. grub-hub) with the intention that residents can develop and take responsibility for these initiatives themselves.
- f) The Council is working closely with developers and housing association partners, with 180 new affordable homes being delivered in the first half of 2019/20, with an annual target of 394 properties from the anticipated pipeline programme. The steady supply of affordable rented homes in particular has contributed to successfully housing households under the threat of homelessness, as well as allowing us to assist those households that are already homeless and in temporary accommodation into more settled homes. This has helped contribute to a reduction in the number of households in temporary accommodation from 164 in July to 115 at the end of December 2019. Although not the only means of prevention, it has contributed to achieving 272 homelessness preventions in the first half of 2019/20.
- g) The Council is working closely with housing providers to bring on stream additional short-term accommodation, so as to minimise our use of inappropriate and expensive forms of temporary accommodation such as bed & breakfast and nightly paid properties. An additional scheme delivering 21 extra units of short-term accommodation is in the pipeline with Chorus Homes, expected to deliver in mid-2020.
- h) Median house prices and housing affordability ratios remain a key challenge for the area, with salary to media house price ratio hovering around 7 times salary. However, the average for the East of England is over 8, and we continue to pursue solutions in terms of developer commitments, and the use of our own resources to bring online further affordable housing.

2. Morbidity/Growing number of years of ill health
Impacting on people's ability to be self-reliant and generating additional cost through support needs.

- a) HDC is committed to the further development of Hinchingsbrooke Country Park (HCP) and is currently pursuing final agreement to securing a long lease before commencing the delivery of the approved business case for development of the site. which will also allow it to become free from subsidy. A business case for additional investment in Paxton Pits is also being prepared. An Open Spaces Strategy is scheduled for development and will provide a sound evidence base for future activity in the parks, and grounds space.

Central to this is community engagement and understanding and seeking to build strong community commitment to open spaces.

- b) Through the Active Lifestyles team, a range of exercise initiatives and classes have been introduced for older people and those requiring additional support to exercise. Using national tools to calculate the impact of sessions delivered, these show savings of £970,000 to the Heath Service and over £2million in savings to the wider public purse. In 2019/20, over 50 partners/organisations have been directly involved in the work delivered.
- c) In 2019/20 year to date the Active Lifestyles team organised and delivered more than 2,500 physical activity or sport sessions attracting more than 43,000 attendances across 38 wards/parishes. One notable success in 2017/18 was the introduction of a 'Care Home offer' leading which continues with exercise sessions delivered in partnership with local Residential and Care Home Providers. The team contributed to a public health led county wide strategic group tackling falls among older adults and have delivered classes to 1,150 people over the course of this municipal year.
- d) HDC have actively engaged with the Northern Alliance, and the individual Primary Care Networks (PCN) within Huntingdonshire, which form part of the integrated communities initiative, recognising and seeking to address the wider determinants of health such as housing, education and finance, which the Council can support and contribute to by ensuring better signposting and earlier intervention. As part of this work, HDC have launched a Health Portal, which uses existing HDC technology, but enables health users to access the information they need regardless of the organisation that delivers it. Enabling us to hear earlier and solve more quickly health issues related to housing, debt or employment before they reach crisis, and to link people in with social and community services that can support them. All PCN have expressed commitment to using this platform across Huntingdonshire.
- e) The Council has established a Health Task and Finish panel, which has taken evidence from a number of experts, and is in the process of developing a range of proposals for how communities, Parish Councils, the District Council and others can work together to support health outcomes. Visits to a number of Parishes have identified best practice that the Panel is seeking to distil and support the replication of elsewhere.
- f) Section 106 agreements continue to be negotiated with developers towards the provision of recreational spaces and their future up-keep. Developers appear to be requiring that the Council show that there is a demonstrable demand for play provision in schemes before committing to S106 agreements.
- g) External funding for the Countywide 'Let's Get Moving' initiative extended until June 2020. Let's Get Moving Cambridgeshire aims

to improve the health of the Cambridgeshire population, specifically by increasing levels of physical activity. This is done by promoting existing opportunities, developing new opportunities, and supporting individuals that require support to achieve their goals.

- h) Urban & Civic, at the Council's behest, successfully applied to become a member of the NHS Healthy Towns Network. In developing the new communities at Alconbury Weald and Wintringham St Neots, Urban & Civic will incorporate healthy living initiatives for the benefit of future residents.

3. Wider economic environment

Impact of Commercial Investment Strategy/Business rates receipts and level of need from residents.

- a) A Local Industry Strategy for Cambridgeshire has been developed and delivered with the active involvement of the Council. The Strategy helped to inform the shape and direction of the refreshed Economic Development Team who are tasked with actively growing the local economic and supporting the key economic clusters identified by the Strategy, through both support, activity and investment.
- b) A 'Better Business for All' pilot is underway which has been developed via funding from the Ministry of Housing, Communities and Local Government (MHCLG). The pilot is a means by which the Council can engage with the local businesses and deliver the support they need to grow.
- c) St Neots Masterplan, the Council has played an active role in leading the St Neots Masterplan in collaboration with the Combined Authority and other key stakeholders. Plans have been developed and are being pursued to further drive the economic success of the town. This work directly contributed to the Council's successful Future High Streets Fund programme, gaining funding for the development of a business case for St Neots High Street, which is currently nearing completion.
- d) The Council is actively developing plans for the 'Masterplan' development of major sites across Huntingdon and St Ives. Central to this work is responding to the changing realities that high streets face and ensuring that the investment means they are well placed to evolve and respond to the expectations of a modern high street, shaped by different expectations and consumer behaviours. Budget is allocated to the development of these significant investments.
- e) Property acquisitions continue to be made within the District under the Commercial Investment Strategy. These ensure stability for the businesses which operate within them, and importantly ensure that the Council is actively supporting the economic drive of the district.

- f) A feasibility study is underway to consider whether businesses in St Neots should be given the opportunity to vote for their own Business Improvement District (BID).
- g) Working with a number of partners the Council continues to support the St Neots Smart Town initiative. Identifying opportunities to use data and emerging technologies to address transport and connectivity challenges it will help provide information that will influence the behaviours of residents and businesses.
- h) The Council is represented on the 'Connecting Cambridgeshire' (CoCam) Board which is in the process of investing approx. £25m in improving the digital infrastructure (superfast broadband, full fibre, public access wi-fi and 5G mobile coverage) across Cambridgeshire and which is a key factor for economic investment decisions by businesses. The key performance indicator targets set by CoCam are all currently being achieved. As part of this programme enhanced broadband services will be provided to a number of parishes, and free Wi-Fi into our 4 market towns, to support economic growth and digital connectivity.
- i) The Council's role out of a new flexible 'pay for what you use' parking system, has seen users enabled for the first time to pay on departure, and through all modern payment techniques. With the intent of visitors being able to change plans and stay for longer than originally planned, as they make use of our town's entertainment and facilities.

4. Skills level and wider educational attainment - as a means by which residents are able to attract profitable work and in attracting employers to the area.

- a) The Council continues to positively engage with apprenticeships and developing and upskilling our staff. Making a long-term contribution to the economic prospects of overwhelmingly local residents.
- b) The Edge programme continues to support residents and develop pathways into employment for them. Work is underway to document all training opportunities locally and to match customer groups to these, helping to support those residents who are either not work ready, or who would benefit from training and development to enable them to access higher skill, or better rewarded roles.
- c) The Council is working closely with the Department for Work and Pension to develop proposals to provide work placements at the Council for those who are out of work. The first 3 of these placements are now up and running in our Operations service. The initiative is intended to provide relevant work experience, and a workplace reference to those involved, boosting their employment prospects, whilst the Council benefits from their contribution whilst with us.

- d) Strong partnership working continues with the IMET centre (Innovation, Manufacturing, Engineering, Technology), links have been strengthened with Cambridge Regional College to explore how we can better support the development of a broader skills offer locally. In addition, scheme designed to stimulate and encourage ambition amongst young people and being delivered through links between the college and local schools. Discussion with IMET are taking place to develop further proposals for how the skills and economic aspirations of the Council can be supported through joint work to maximise the benefits of having a cutting-edge technology centre within the district.
- e) The Council was represented at the third annual EDGE school careers fair at Wood Green in December 2018 and also supported its organisation.
- f) The Council has adopted a Social Value policy in relation to procurement, designed to encourage wider social contributions as part of our procurement activity. Seeking to support a range of positive outcomes as a by-product of our procurement activity.

5. Partner agency operational pressures - *financial challenges of partners impacting on demand for our services or reducing existing support.*

- a) Strong engagement with all partners around their future budget plans and seeking to minimise unintended partner impacts of decisions continued to take place. There was engagement with Cambridgeshire County Council about their proposed 2019/20 budget and the likely impact service cuts would have upon the District. The County Council understand that the Council is willing to work collaboratively both with themselves and other agencies to consider alternative ways of working.
- b) There are a number of examples where decisions by partners has directly impacted on the financial position of HDC. Nowhere in the public sector landscape is the financial challenge greater than with Health, who are forecasting a large in year Budget overspend. As identified elsewhere in this document, our work with health has identified the cost of A&E presentations within Huntingdonshire at over £32 million a year, and we are actively identifying approaches to address this, rather than remove support services, with often unintended consequences for partners.
- c) In conjunction with other agencies, the Council is involved in looking to reduce the costs of responding to incidents of crime in the Huntingdon North ward which is estimated to cost the agencies £8m/annum to deal with. This forms a key aspect of the Oxmoor project, with the Good Place workstream led by Police Area Commander Rogerson.

d) Shared data and insights team, much work has taken place over recent times around sharing resource to enable a common view of all interactions with customers across statutory partners and to remove duplication of contact and deliver more timely interventions. HDC are actively contributing to this work, which has the potential to lead to the redesign of high cost services.

3.4 Task and Finish activity within both Overview and Scrutiny Panels (O&S) continues following the presentations from the two Corporate Directors in June 2018 that outlined the five themes in the AGS and opportunities for including elements of these in their future work programme. Both Panels agreed to include two themes in their work programme – Leisure and Health for O&S (Customers and Partnerships) and Housing and Skills for O&S (Performance and Growth). Scoping documents for the reviews have been prepared.

4. KEY IMPACTS / RISKS

4.1 If sufficient and timely action is not taken, this may lead to:

- adverse comments being reported by the external auditor in the Value for Money opinion;
- poor governance procedures remaining in place which may affect the delivery of the Council's objectives and its long term financial stability.

4.2 In delivering a number of the Corporate Plan actions and the AGS themes the Council needs to be mindful of the parallel and complimentary role of the CA and Business Board. It is recognised that there will be occasions when the Council needs to either work in partnership/collaboration with the CA/Business Board, or independently of it (whilst remaining aware of the CA initiatives) when it is felt that it deliver the best outcomes for the District.

5. WHAT ACTIONS WILL BE TAKEN?

5.1 Action has already been taken as set out above. Further updates on the progress that has been taken to address the five themes will be reported to the Committee in July 2020 when the 2019/20 AGS is considered.

6. LINK TO THE CORPORATE PLAN

6.1 The five AGS themes have clear and direct links to the 2018/22 Corporate Plan vision and aspirations that have been set for both People and Place.

People

- Support people to improve their health and well-being.
- Develop a flexible and skilled local workforce.
- Develop stronger and more resilient communities to enable people to help themselves.

Place

- Create, protect and enhance our safe and clean built and green environment.
- Accelerate business growth and investment.
- Support development of infrastructure to enable growth.
- Improve the supply of new and affordable housing, jobs and community facilities to meet current and future needs.

6.2 Good corporate governance structures underpin everything that the Council does. Effective delivery of the Corporate Plan requires sound procedures and processes to be in place. These seek to ensure that decision making complies with laws, regulations and proper governance practices.

7. REASONS FOR THE RECOMMENDED DECISIONS

7.1 The Committee require assurance that the areas for improvement identified during the 2018/19 annual governance review process are being addressed.

8. LIST OF APPENDICES INCLUDED

Appendix 1 - Extract from 2018/19 AGS.

9. BACKGROUND PAPERS

Annual Governance Statement 2018/19

CONTACT OFFICER

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2018/19 ANNUAL GOVERNANCE STATEMENT - THEMES

Themes

Housing Affordability

Leading to homelessness and constraining economic growth.

This issue is one which impacts on the Council's ability to deliver the Corporate Plan primarily through the escalating financial consequences of homelessness. Furthermore, it also has a bearing on the mobility of the local labour market, on inward investment and business growth opportunities. For the Council as an employer it also hampers our ability to recruit and retain suitably experienced and qualified staff.

2017/18 actions	2018/19 actions
✓ Develop a more detailed understanding of the underlying causes of homelessness.	--
-- Complete a formal review of homelessness within the District to inform the development of an updated Homelessness Strategy.	✓
✓ Implementing new ways of working to intervene early with those individuals whose circumstances mean that they are vulnerable to homelessness.	--
-- Develop and introduce pathways with other agencies to enable earlier interventions for those individuals whose circumstances mean that they are vulnerable to homelessness.	✓
✓ Developing new delivery options to secure affordable homes within the District, using Council assets to provide alternatives to the market delivery homes where necessary.	✓
✓ Work with the Cambridgeshire & Peterborough Combined Authority (CA) to develop local Community Land Trusts to bring forward genuinely affordable and local solutions.	--
Secured delivery and handover of increased numbers of affordable homes as part of ongoing housing development.	✓

Morbidity/Growing number of years of ill health

Impacting on people' ability to be self-reliant and generating additional cost through support needs.

Increasing pressures are being felt by many parts of the public service system, primarily through the growing demand on support costs, a rise in complex individual cases which cuts across many service providers, through such things as disabled facilities grants and personal care costs. This is not something that any single agency has total responsibility for, and it requires joint working to deliver effective solutions focussing on wellbeing and life choices as well as housing, open spaces, transport infrastructure and the design of place.

2017/18 actions

- ✓ Use our leisure services to encourage healthier lifestyles through engaging people of all ages in activities to improve health.
- ✓ Pilot new ways of working within localities with local communities and other agencies to deliver tailored solutions to issues within defined communities.
- ✓ Create plans to encourage cycling and walking and ensure that designs of new housing areas encourage active lifestyles.
- Pilot new ways of working within localities with local communities to deliver improved infrastructure that promotes cycling and walking
- Development of a 'Healthy Open Spaces Strategy' to optimise the provision and use of the Council's green open spaces, parks and play areas to encourage healthier lifestyles through engaging people of all ages in activities to improve health.

2018/19 actions

- ✓
- ✓
-
- ✓
- ✓

Wider economic environment

Impact of Commercial Investment Strategy/Business rates receipts and level of need from residents.

The Council's financial robustness is closely linked with the success of the overall local economy, driven in large part to a prosperous commercial sector. This supports the delivery of one of our key Corporate Plan strategic priorities – delivering sustainable growth across the District. The Council is making tactical investments in the property market and is determined to support the conditions for economic success to support a vibrant economy and positive community outcomes. Ultimately external

economic factors do directly impact on the Council's financial plans and forecasts for new homes bonus, council tax and business rates incomes, and the level of demand for our services. We take our role on supporting the conditions for stable growth very seriously.

2017/18 actions		2018/19 actions
✓	Use the Council's Commercial Investment Strategy to support the local economy.	✓
✓	Maintain and enhance the Council's existing commercial estate to provide value accommodation for local businesses.	✓
✓	Work with local Business Improvement District (BID) teams and the CA to further stimulate economic growth within the District to ensure a pipeline of new and high value jobs in the major growth sectors.	--
✓	Refocus our economic development activity to support new and emerging sectors in our economy, to create the environment within which new business can thrive.	✓
--	Following the development of the Masterplan for St Neots, develop Prospectuses for Growth for St Ives, Huntingdon and Ramsey to focus on transformational interventions that can make the most of opportunities unique to each town and its community, creating new jobs, improving productivity and raising aspirations in and around each town'	✓
--	Delivery of the Council's Parking Strategy to increase dwell in the town centres and support local retailers.	✓
--	Development of a Markets Strategy with our local partners in those towns, to maintain vibrant markets within our valued market towns.	✓

Skills level and educational attainment

As a means by which residents are able to gain profitable work and to assist in attracting employers to the area.

It is important that all young people are able to fulfil their potential and become active citizens with meaningful and valuable work.

Furthermore, the workforce within the area needs to be supported to continue to gain meaningful work and to meet the demands for new skills in the labour market. In turn this will also contribute to the area's reputation for attracting inward investment and so grow and thrive. Finally, skilled and flexible workforces who possess digital skills will allow the Council to transform its current delivery models and offer new methods of service delivery.

2017/18 actions		2018/19 actions
✓ Fully develop and deliver a digital vision for Huntingdonshire, ensuring that we support the establishment of the basic infrastructure of superfast broadband and 5G mobile coverage through our own estates and the planning system.		✓
✓ Support apprenticeships, directly as an employer, but also through our supply chain and through promotion with local businesses.		--
✓ Continue to engage with schools through local careers fairs and EDGE, but also through fostering direct links between employers and educational institutions.		✓
✓ [2018/19] Build upon the [2017/18: <i>Develop a</i>] brand for Huntingdonshire to establish a reputation which will draw in investment and create an environment in which industries of the future can thrive		✓

Partner agency operational pressures

Financial challenges of partners impacting on demand for our services or reducing existing support.

There is evidence to suggest that as parts of the public sector reduce their input into communities, that the demand transfers to other agencies. In Huntingdonshire whilst partners work well together there continues to be the challenge of controlling additional demand and the corresponding budget pressures that it brings. Elsewhere financial pressures in one sector, have had significant financial and capacity impacts on the authority.

2017/18 actions		2018/19 actions
✓ Share budget planning activity with other public agencies to guard against unintended consequences of financial decisions.		✓
✓ Continue to engage with near neighbours, particularly the County Council and health services to understand how best we can complement each other's activity		✓
-- working closely with partners to understand the triggers		✓

and impacts of decisions on partners, and seek to proactively prevent costly crises, and deliver better outcomes.

- Use evidence to understand changes in the local environment and develop new ways of working which ensure that public services become more agile in responding to changing circumstances.



HUNTINGDONSHIRE DISTRICT COUNCIL

Title/Subject Matter:	Annual report on HDC compliance with the Freedom of Information (FOI) & Environmental Information Regulations (EIR) Acts
Meeting/Date:	January 2020
Executive Portfolio:	Executive Councilor for Digital and Customer
Report by:	Information Governance Manager & Data Protection Officer
Ward(s) affected	All Ward(s)

EXECUTIVE SUMMARY:

The Information Governance (IG) service falls under the 3C ICT shared service with Huntingdonshire District Council and South Cambridgeshire District Council. The IG service produces and implements the Information Governance framework regarding Access to information, Information Management and Data Protection and information security, in accordance with legislation. The small team is headed up by the Information Governance Manager who is also the Data Protection Officer.

This is an annual report on the Council's compliance with the Freedom of Information Act 2000 and Environmental Information Regulations 2004. This report also includes for the first time the Councils performance with regard to protecting personal data and covers the period Jan - Dec 2019.

The number of requests received by the Council in 2019 (615) drop from the previous year, (789).

A shared request management system was integrated in July 2017. This new process places more ownership on the Services whereby key responders and champions are designated and responsible for ensuring their Service responds within the timeframe. The Information Governance Officer coordinates all formal requests and allocates specialist support from the Information Governance team where officers require this. We are about to

initiate an upgrade, improving the functionality to make it easier for teams to self-serve and rewriting all of the request templates and guidance documents.

Recommendation(s):

Corporate Governance Committee is asked to comment on this report.

1. PURPOSE

1.1 The purpose of this report is to:

- Report on the requests for information received by the Council under FOIA & EIR and highlight any issues encountered and actions to be taken to improve performance.

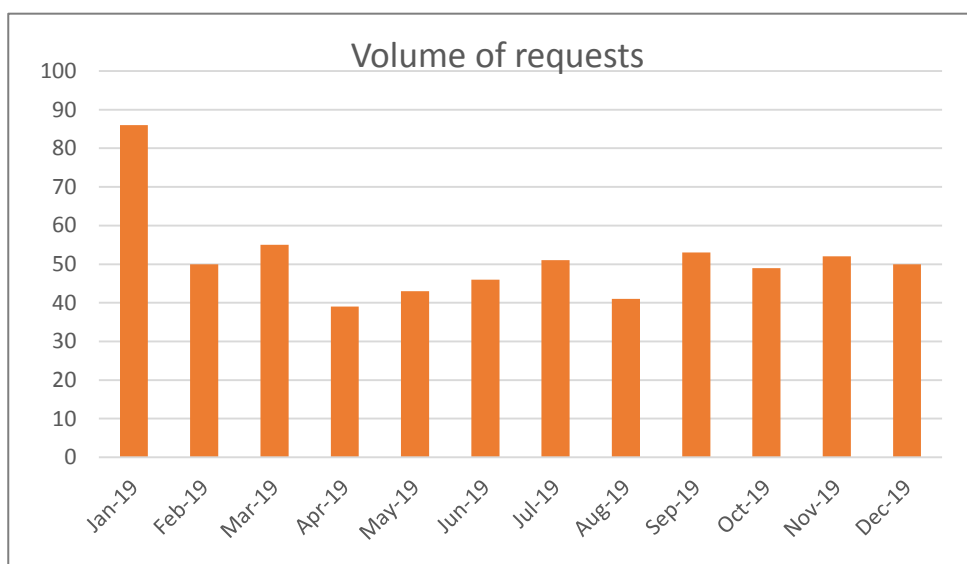
2. BACKGROUND

2.1 The public has the right of access to information held by the Council under the Freedom of Information Act. The Freedom of Information Act (FOI) works alongside the Environmental Information Regulations (EIR). Service areas are responsible for responding to requests and 3C ICT Information Governance Team manages the process, provide support and ensure compliance. The Council works to a target of 90% response compliance within 20 days (statutory requirement) as advised by the Information Commissioner.

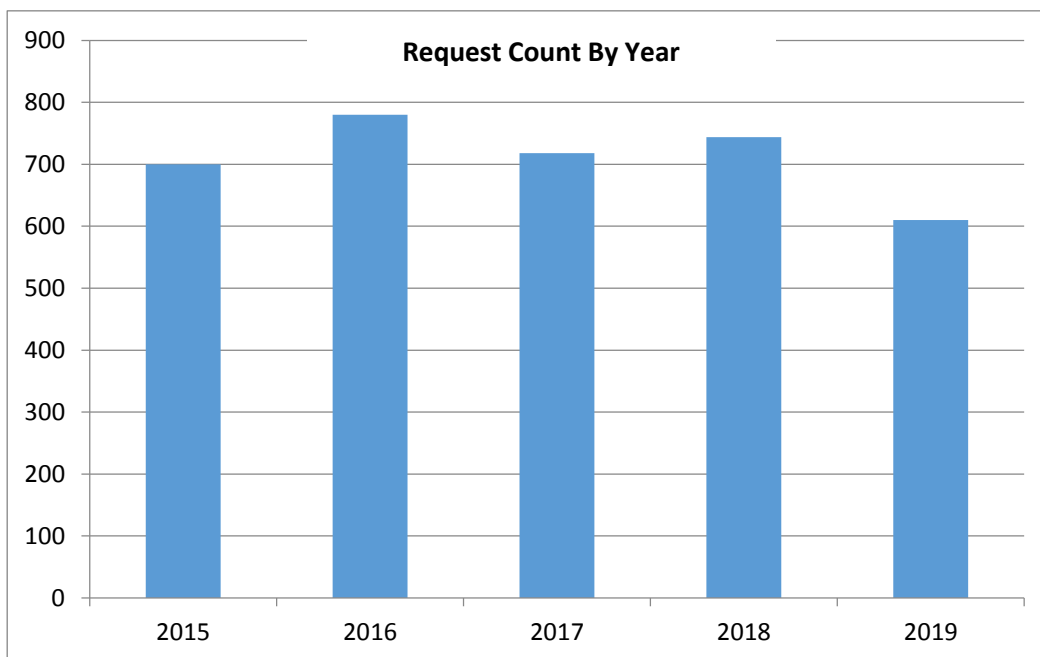
2.2 The Council receives many requests for information in all service areas. Most are dealt with as part of the day-to-day business, but where a request is out of the ordinary, specifically invokes the legislation, or is likely to engage an exemption; it is formally logged and processed. This report relates to those formally processed requests.

3. REQUESTS FOR INFORMATION

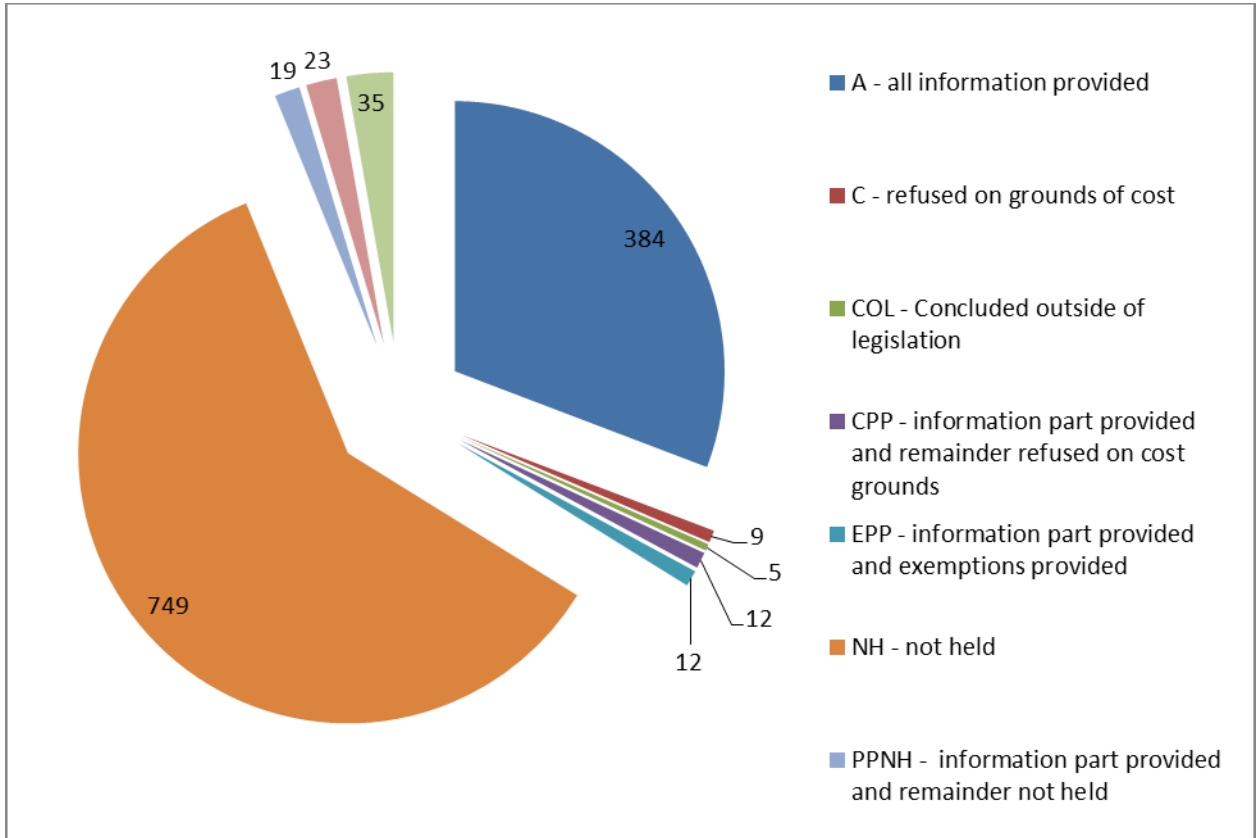
3.1 Total requests received in the report period is 615.



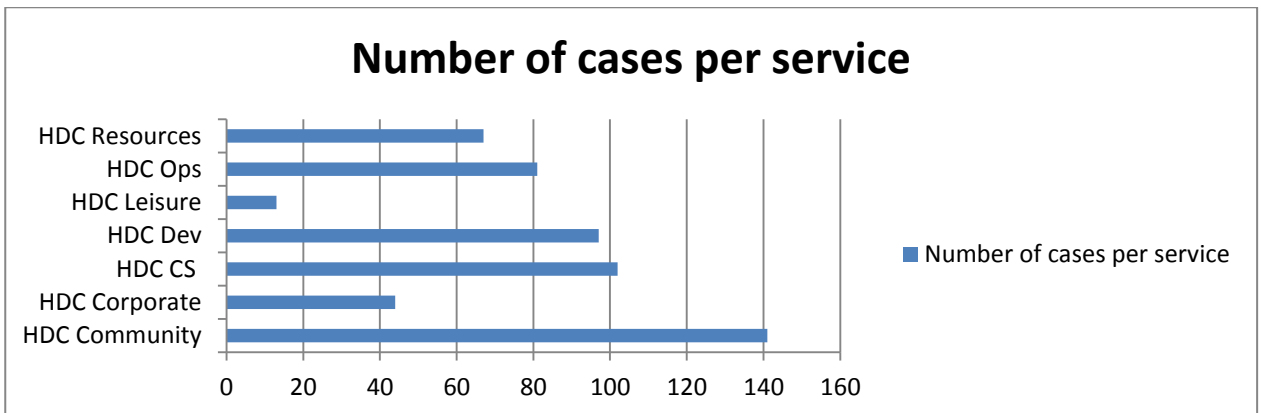
The graph below presents request count by year and it clearly shows a decline in the number of requests received in the period 2019. The decline was a result of housekeeping, any requests not responded to for more than six months were archived and requesters informed. This normally happens when a request needs to be clarified and the requester does not respond, the request is put on hold.



3.2 The majority of requests are concluded by all of the information provided. A greater proportion of the information of regular interest is now proactively published and updated on a monthly basis. The IG team will continue efforts to support Services to increase this transparency offering via an Open Data Strategy, planned for implementation this year whereby we will work with our partners at Cambridgeshire County Council and to standardise and regularly publish comparable data from the three partners including data required to be published under the Transparency Code directive, providing a valuable district data set.



3.3 Community services have received the most cases and reasons may vary depending on what’s happening during period of interest.



3.4 The source of requests is becoming more difficult to assess, since many are sent from anonymous webmail addresses, therefore this is not reported.

3.5 Requestors have the right to an 'internal review' of their case if they are not satisfied with the outcome or how the request was handled, before taking further action to the Information Commissioner's Office. The Council has appointed an internal reviewer to ensure cases are managed fairly without bias.

4 DATA PROTECTION

The Council collects and holds a wide range of personal information about our tenants, residents and the users of our services. This information helps us to provide services and assist our customers.

4.1 The Data Protection Act (DPA) provides a framework to ensure that personal information is handled appropriately, fairly and securely. Note the legislation went through an overhaul in May 2018 when the General Data Protection Legislation (GDPR) came into force and was enacted in to UK law by the Data Protection Act 2018. The Council must process personal data in accordance with the Data Protection Principles, as follows:

4.2 Information must be processed fairly and lawfully. This means that the individual providing personal information to Council services must clearly understand why their data is needed, who it will be shared with, giving them a clear indication of how their personal data will be used.

4.3 Personal information is collected for specified, explicit and legitimate purposes, and ensuring that the information collected is not processed in a manner incompatible with those purposes.

4.4 Using personal information only for the purposes specified by the authority to the Information Commissioner Office (ICO)

4.5 Processing is adequate, relevant and limited to what is necessary.

4.6 Ensuring that personal information collected is accurate, kept up to date, and inaccurate, information is erased or rectified without delay.

4.7 kept in a form which permits identification of data subjects for no longer than is necessary.

- 4.8 Ensuring that personal data is kept securely. The Council is required to take appropriate technical and other measures to prevent unauthorised or unlawful access to personal information, or accidental loss, destruction or damage of personal information.
- 4.9 Ensuring that personal information about individuals is not shared with other people or organisations, except in the circumstances described by the Act. These exceptions to the Act include when information could assist in the prevention and detection of a crime, the apprehension or prosecution of offenders and matters of taxation and where disclosure is required by law or in connection with legal proceedings.
- 4.10 Providing individuals with access to information held by the Council about them, through responding to Subject Access Requests and by upholding their enhanced rights. The Council must now be much clearer about what we do with individual's personal data through our Privacy Notices. Other rights include the right to rectification, erasure, to restrict processing, data portability, and to object to processing.
- 4.11 The Council is now required to prove accountability - it does this by recording its processing activity (The Council maintains an Information Asset Register) and is required to have processing agreements or sharing agreements in place with all third party processors of personal data.
- 4.12 If the Council is in breach of the above data protection principles, it can have a significant impact on the individual(s) affected. In particular, the loss or unauthorised sharing of personal information can have serious impacts, ranging from harassment to identity theft. In such circumstances, public bodies such as the City Council can be liable for significant fines.
- 4.13 The Information Commissioners Office (ICO) receives reports of breaches of the Data Protection Act and makes decisions in each case. The ICO under the new law has the power to impose fines of up to £20million (previously the maximum was £500,000) for breaches of data protection obligations, as well as issuing enforcement notices and requiring organisations to sign undertakings to improve their practices.

5.0 BREACHES OF PERSONAL DATA

- 5.1 Their guidance on notification of data breaches under the new law is that where a breach incident is likely to result in risk to the rights and freedoms of individuals, the Council must inform the ICO within 72 hrs and if it's likely to result in high risk to rights and freedoms of individuals, the Council has a lawful duty to inform the individuals without undue delay. The Council has a new incident policy to reflect this.

5.2 The Council considers the following factors as laid out in the (ICO) guidance when considering what should be reported.

Potential detriment and adverse effect to the data subject is the overriding consideration. This includes emotional distress, and includes information about the private aspects of a person’s life becoming known to others. The extent of detriment depends on the volume of the data and its sensitivity. Where there is little risk that individuals would suffer significant detriment there is no need to report.

5.3 The Councils Performance - Breaches of Personal Data

The Council maintains a register of incidents relating to incidents or near misses regarding personal data so that we can identify risks and act to mitigate the likelihood of reoccurrence and continually improve in 2020.

The following incidents were recorded:

Documents sent in error to wrong recipients either by letter or email	4	Resolved in-house – none were reported to the ICO
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6.0 Rights Request Handling & Complaints

6.1 The Information Governance Team also coordinate request relating to individuals rights such as right to request access to the personal data the Council hold), right to erasure, right to rectification as well as third party requests for personal data such as from the Police or to prevent or detect fraud .

Personal Data of third parties	6
Subject Access Request	13
Rights request	0

6.2 Complaints Received

Internal Review FOI	9
Subject Access Request Complaint	1
Official Complaint made via the ICO Includes FOI & SAR	2

Whilst these have been investigated by the regulator (ICO) these have resulted in no action or they have found in the Councils favour.

7.0 ORGANISATIONAL DATA PROTECTION MEASURES

7.1 Increased awareness of data protection further to this year's work across the authority in preparation for the changes to legislation (GDPR) has resulted in more enquiries especially around information sharing and safe disposal of information and retention practices. This is a positive outcome for the council, as staff are more aware of data protection and vigilant to areas of risk.

7.2 An Information Governance Board meets quarterly to review issues and drive improvements in the Council's approach to information security matters. Membership includes managers representing services that handle a high volume of personal data, The Group Is chaired by the Senior Information Risk Owner

7.3 An Information Governance Accountability Framework has been proposed by the Data protection officer as a means to imbed data protection ethos across all levels of the Council. It reinforces the requirement to embed a robust accountability structure (see appendix B) and regular engagement with those parties is scheduled. This involves the nomination of Information Asset Owners. The Data Protection Officer and Senior Information Risk Owner meet on a monthly basis.

7.4 The IG team have prepared a policy portal which contains up to date data security suite of policies, these alongside other IG framework policies will be accessible in a one stop shop on the Information Governance 3C intranet. Numerous Information governance policy and guidance have been updated or created to reflect the enhanced accountability measures under the new Data Protection Legislation.

7.5 Staff training and awareness of data protection continues to be key to data protection compliance. In addition to e-learning, face to face training will also be rolled out as soon as practicable.

7.6 New initiatives are going to be rolled out e.g. Information Governance open meetings stationed in the foyer. These meetings will enable staff to ask questions in an informal friendly environment. This will enhance staff knowledge and improve customer service.

7.7 GDPR awareness training seminars were run for staff and Members 2018. We are almost two years down the line; GDPR still remains an area of focus.

8.0 LOOKING FORWARD

8.01 The implementation of the GDPR into UK law has been the focus of the Information Governance team. Preparation for the Council to comply with the tighter legislation has included many work streams and focused on the following key legislative changes.

8.02 Since GDPR the Council carried out some work with relevant departments in 2018. The Information Governance team will review last year's work to ensure compliance. Any actions will be shared with Heads of Service and monitored at the relevant Information Governance Committee meetings.

9.0 KEY IMPACTS/RISKS

9.1 The key impact of non-compliance with FOIA/EIR and the Data Protection Act along with GDPR is public scrutiny from the regulator. Poor service or inadequate information management will lead to loss of trust from our customers. Inability to act in accordance with the Act and the Governments accountability and transparency directive will lead to reputational damage. Furthermore the right of access is bound with the Human Rights Act in respect of the right to privacy. Unlawful disclosure of personal information may lead to publicly enforced audit, warning, reprimand, corrective order and fine by the regulator.

10 WHAT ACTIONS WILL BE TAKEN

10.1 The following actions will be addressed:

10.2 Additional face to face training will be provided
Regular spot check audits to mitigate risk
Information Governance open meetings

10.3 The Council is now publishing FOI requests of interest to the public at large; as this is a new initiative monitoring will continue.

10.4 Data flow mapping exercise has to be undertaken to ensure risks are

identified and appropriate action taken.

11.0 LINK TO THE LEADERSHIP DIRECTION

11.1 Supports the objective to become a customer focused organisation under the strategic priority of becoming a more efficient and effective Council.

12.0. CONSULTATION

12.1 None

13.0 LEGAL IMPLICATIONS

13.1 HDC must comply with the law concerning FOIA/EIR and Data Protection Act

14.0 RESOURCE IMPLICATIONS

14.1 There are no direct resource implications arising from this report.

15.0 OTHER IMPLICATIONS

15.1 None

16.0 REASONS FOR THE RECOMMENDED DECISIONS

16.1 This paper updates Members on how requests under FOIA/EIR have been dealt with by HDC.

16.2 This report is for information purposes only, unless otherwise.

17.0 LIST OF APPENDICES INCLUDED

17.1 Appendix A - Percentage of Requests Handled Within the Statutory Timeframe to include Average Response Time
Appendix B - Average Completion days for FOI Requests

18.0 BACKGROUND PAPERS

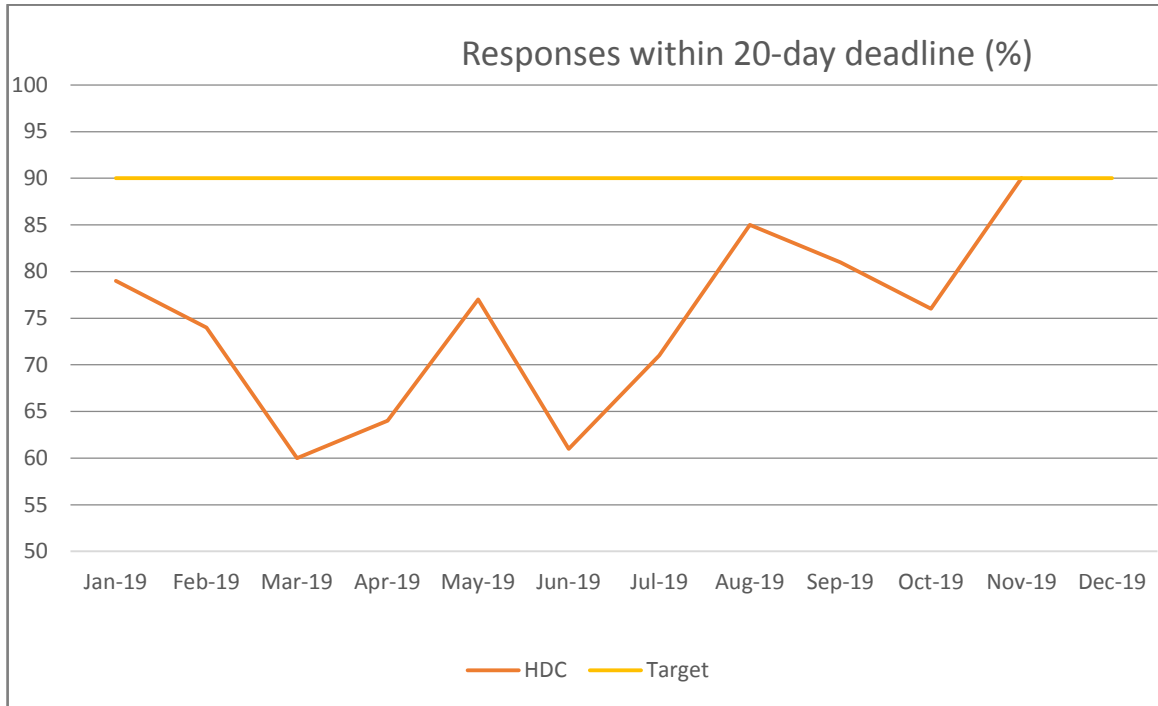
18.1 None

CONTACT OFFICER

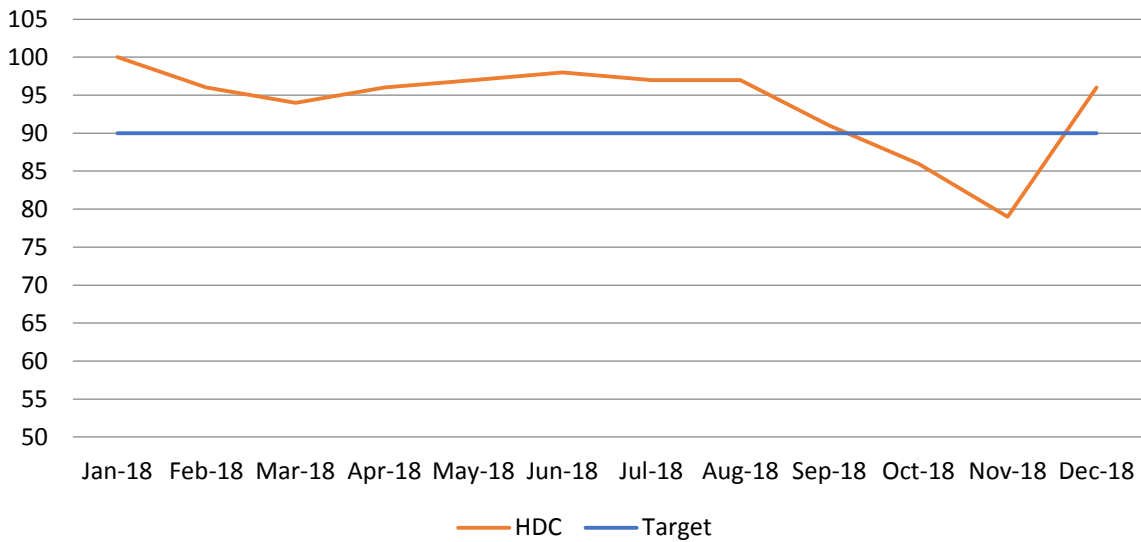
Valerie Gray
Information Governance Manager & Data Protection Officer (3C ICT)

Appendix A - Percentage of Requests Handled Within the Statutory Timeframe

There are highs and lows in the graph clearly stating inconsistencies due to various reasons of which the obvious is resource and reliance on other departments to provide necessary information timely.

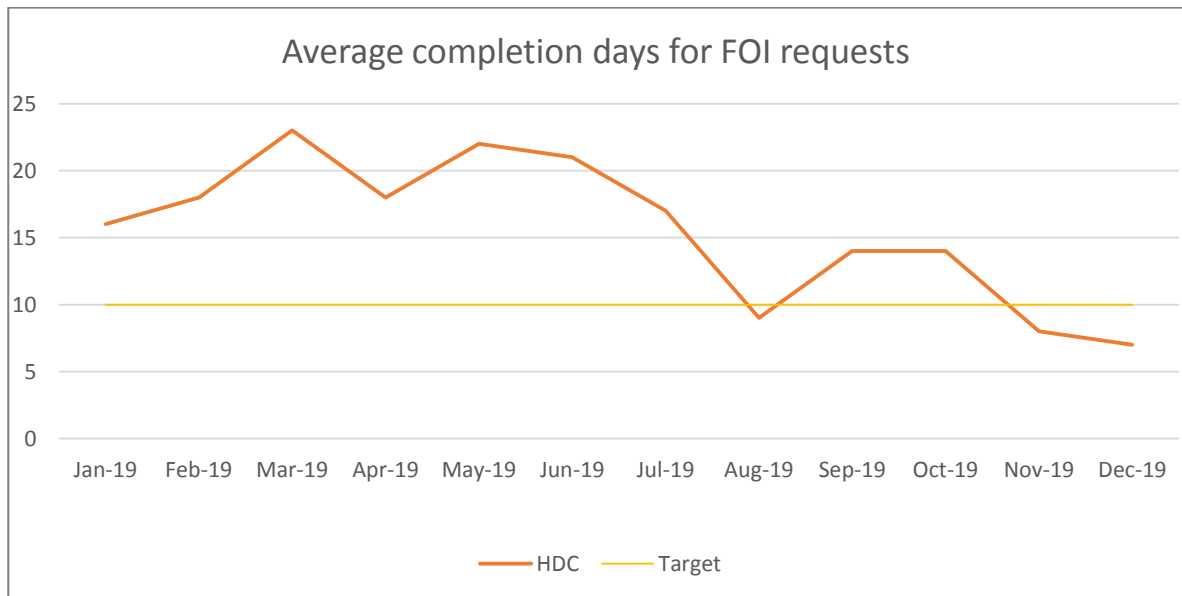


Responses within 20-day deadline (%)



Appendix B – Average Completion days for FOI Requests

There are inconsistencies due to various reasons of which the obvious is resource and reliance on other departments to provide necessary information timely.



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